



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

REGULAR MEETING OF THE MIDLAND CITY COUNCIL  
City Hall, 333 W. Ellsworth Street

February 13, 2017

7:00 PM

AGENDA

CALL TO ORDER - Maureen Donker, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Thomas W. Adams  
Steve Arnosky  
Diane Brown Wilhelm  
Maureen Donker  
Marty A. Wazbinski

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. \* Approve minutes of the January 21 regular City Council meeting. TISDALE

PROCLAMATIONS, AWARDS, RECOGNITIONS, PRESENTATIONS:

PUBLIC HEARINGS:

2. Zoning Petition No. 608 - to amend the City of Midland Zoning Map by rezoning property located at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple Family Residential zoning subject to offered conditions (also see material sent in the January 23 agenda packet). KAYE

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

ORDINANCE AMENDMENTS:

RESOLUTIONS:

3. Approving resolutions for Tridge Renovations: MURPHY
  - a. Accepting a gift of \$2,500,000 from the Rollin M. Gerstacker Foundation to fund Tridge renovations.
  - b. Setting a public hearing to amend the 2016-17 General Fund budget to increase revenues and expenditures by \$2,500,000 (3/13).
4. Accepting the gift of renovations from Momentum Midland to restore the former Oldcastle/4D manufacturing site. MURPHY
5. Receiving the resignation of City Manager Jon Lynch. TISDALE
6. \* Approving the request of Kandie Guild to conduct a Juvenile Diabetes Walk on Sunday, October 1. MCMANUS

Considering purchases and contracts:

7. \* Downtown Midland Streetscape Construction Process Communications services. TISDALE
8. \* HVAC/R Planned Maintenance Agreement - Riverside Place (4/5 vote required). KAYE
9. \* Golf Cart Lease for Currie Municipal Golf Course (4/5 vote required). KEENAN
10. \* 2017 Surface Treatment & Crack Sealing Program; Contract No. 4. MCMANUS
11. \* Purchase Order Increase to CTI and Associates, Inc. for General Engineering services - Landfill. SOVA
12. \* Purchase Order Increase to Stericycle Environmental Solutions for Household Hazardous Waste Collection services - Landfill. SOVA

Setting a public hearing:

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	<a href="http://www.cityofmidlandmi.gov">www.cityofmidlandmi.gov</a>
City of Midland email address:	<a href="mailto:cityhall@midland-mi.org">cityhall@midland-mi.org</a>
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

**Backup material for agenda item:**

1.       \* Approve minutes of the January 21 regular City Council meeting. TISDALE

January 23, 2017

A regular meeting of the City Council was held on Monday, January 23, 2017, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

### **MINUTES**

Approval of the minutes of the January 7, 2017 special and January 9, 2017 regular meetings was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky. (Motion ADOPTED.)

### **2016-17 CURRIE MUNICIPAL GOLF COURSE FUND BUDGET AMENDMENT**

Assistant City Manager David Keenan presented information on an amendment to the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues and expenditures by \$17,000 for tree removal and reforestation and replacing the carpeting in the West Club House. A public hearing opened at 7:05 p.m., recognizing no public comments, the hearing closed at 7:05 p.m. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, January 23, 2017, on the proposal to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenue by \$17,000 to recognize gifts from the Mary C. Currie Foundation, and increase expenses by the same to provide budgetary authorization to spend the funds on reforestation and carpet replacement; now therefore

RESOLVED, that the 2016-17 Currie Municipal Golf Course Fund budget shall be amended as discussed in the aforementioned paragraph. (Motion ADOPTED.)

### **PUBLIC COMMENTS**

No public comments were made.

### **COMPREHENSIVE ANNUAL FINANCIAL AND SINGLE AUDIT REPORTS – JUNE 30, 2016**

Assistant City Manager David Keenan presented information on the Comprehensive Annual Financial Report and Single Audit Report for the year ended June 30, 2016 and introduced David Youngstrom, Principal with Yeo and Yeo, who presented the reports. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the Comprehensive Annual Financial Report and the Single Audit Report of the City of Midland for the year ended June 30, 2016 are hereby received and ordered filed for public examination. (Motion ADOPTED.)

### **DOWNTOWN MIDLAND STREETScape – TRAFFIC CONTROL ORDERS**

City Engineer Brian McManus presented information on Traffic Control Orders as they relate to the Downtown Midland Streetscape and introduced Wes Butch, Traffic Engineer from DLZ, who presented information on the traffic study and the results. The following six resolutions were then presented for consideration.

**TRAFFIC CONTROL ORDER NO. P-16-06**

The following resolution was offered by Councilman Adams and seconded by Councilman Wazbinski:

RESOLVED, that Traffic Control Order No. P-16-06 filed November 8, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on Ashman Street from Main Street to 85 feet northeast of the centerline of Main Street.

is hereby made permanent. (Motion ADOPTED.)

**TRAFFIC CONTROL ORDER NO. P-16-07**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. P-16-07 filed November 8, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on the north side of Ashman Street from 85 feet to 124 feet northeast of the centerline of Main Street to accommodate a loading zone.

is hereby made permanent. (Motion ADOPTED.)

**TRAFFIC CONTROL ORDER NO. P-16-08**

The following resolution was offered by Councilman Arnosky and seconded by Councilman Wazbinski:

RESOLVED, that Traffic Control Order No. P-16-08 filed November 8, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on the north side of McDonald Street from Main Street to 80 feet northeast of the centerline of Main Street and on the side of McDonald Street from Main Street to 80 feet southwest of the centerline of Main Street.

is hereby made permanent. (Motion ADOPTED.)

**TRAFFIC CONTROL ORDER NO. P-16-09**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. P-16-09 filed November 8, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on the south side of Rodd Street from Main Street to 80 feet southwest of the centerline of Main Street.

is hereby made permanent. (Motion ADOPTED.)

**TRAFFIC CONTROL ORDER NO. P-16-10**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that Traffic Control Order No. P-16-10 filed November 22, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on the south side of Rodd Street from Main Street to 135 feet northeast of the centerline of Main Street for the purpose of establishing a bus loading zone. This action lengthens the existing bus loading zone and eliminates an existing delivery loading zone at the northerly end of this location to allow more room for buses.

is hereby made permanent. (Motion ADOPTED.)

#### **TRAFFIC CONTROL ORDER NO. S-16-01**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

RESOLVED, that Traffic Control Order No. S-16-01 filed November 10, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That the intersections of E. Main Street and Ashman Street, E. Main Street and McDonald Street, and E. Main Street and Rodd Street shall operate as All-Way Stop Control, and that the traffic signals shall be removed and the previous Traffic Control Orders for the use of traffic control signals at these intersections be rescinded.

is hereby made permanent. (Motion ADOPTED.)

#### **2017-18 CONSTRUCTION PRIORITIES REPORT**

City Engineer Brian McManus presented information on the 2017-18 Construction Priorities. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, a report has been received from the City Engineer listing the proposed construction projects for 2017-2018 which includes projects petitioned by property owners, projects recommended by the City Administration and others; and

WHEREAS, City Council has reviewed the proposed construction projects list; now therefore

RESOLVED, that City Council hereby approves said proposed construction project listing for 2017-2018 and directs the City Administration to include funding requests for the proposed projects in the 2017-2018 budget; and

RESOLVED FURTHER, that any current fiscal year project listed that requires additional funding will receive those supplemental funds during the annual budget amendment process this upcoming spring; and

RESOLVED FURTHER, that the report is hereby directed to be placed on file in the City Clerk's Office and at the Grace A. Dow Memorial Library and a map of the projects be placed in the lobby of Midland City Hall. (Motion ADOPTED.)

#### **2016-17 CURRIE MUNICIPAL GOLF COURSE BUDGET DEFICIT ELIMINATION PLAN**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the Currie Municipal Golf Course Fund (Fund) is in the final year of a five-year deficit elimination plan ending June 30, 2017; and

WHEREAS, the ending working capital balance for the Fund for the fiscal year ending June 30, 2016, was a deficit balance of \$232,129; which is \$113,985 ahead of the target ending working capital balance as of June 30, 2016, according to the deficit elimination plan on file with the Michigan Department of Treasury (Treasury); and

WHEREAS, on May 24, 2016, City Council adopted the budget for the Fund for the fiscal year ending June 30, 2017, which would eliminate the deficit balance by that year-end, and this budget is on file with the Treasury as the current deficit elimination plan; and

WHEREAS, on July 11, 2016, Treasury released Numbered Letter 2016-1, which requires local units to file a deficit elimination plan for each year covered by that plan, regardless of whether they are in compliance or not; now therefore

RESOLVED, that the adopted budget for the fiscal year ending June 30, 2017, is recognized by City Council as the current plan to eliminate the deficit in the Fund by fiscal year-end, which is also the final year of the five-year deficit elimination plan, and agrees that this plan shall be submitted to Treasury to satisfy their requirement to file an annual deficit elimination plan during the course of a multi-year plan. (Motion ADOPTED.)

#### **STATE RIGHT OF WAY PERMITS – MDOT PERFORMANCE RESOLUTION**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the Michigan Department of Transportation (MDOT), is requesting that the City of Midland renew the MDOT Performance Resolution for Governmental Agencies and related annual extensions to allow the City of Midland to operate within the State Rights of Way using an annual State permit instead of individual State permits; and

WHEREAS, the Midland City Council has previously approved similar annual performance resolutions; and

WHEREAS, the resolution approved in 2013 has been modified by MDOT; and

WHEREAS, the latest resolution includes a list of staff positions which are allowed to apply for permits; and

WHEREAS, the City Attorney has reviewed the MDOT Performance Resolution for Governmental Agencies; now therefore

RESOLVED, that the attached MDOT Performance Resolution for Governmental Agencies is hereby adopted to facilitate processing State Right of Way Permits; and

RESOLVED FURTHER, that the City Clerk is hereby authorized to execute the MDOT Performance Resolution for Governmental Agencies on behalf of the City of Midland. (Motion ADOPTED.)

#### **TRAFFIC CONTROL ORDER P-16-04**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. P-16-04 filed October 21, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That all day parking, from 6:00 a.m. to 3:00 a.m., shall be permitted on the north side of Ohio Street between Carolina Street and Tennessee Street (partially rescinds P-99-09). is hereby made permanent. (Motion ADOPTED.)

#### **TRAFFIC CONTROL ORDER P-16-05**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. P-16-05 filed November 11, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That parking shall be prohibited on the west side of Schade Drive from Oakfield Drive to 125 feet south of W. Wackerly Street.

Also, that parking shall be prohibited between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, on the east side of Schade Drive from Oakfield Drive to 125 feet south of W. Wackerly Street.



Also, that Traffic Control Order P-03-10 shall be rescinded.  
is hereby made permanent. (Motion ADOPTED.)

#### **TRAFFIC CONTROL ORDER S-16-02**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. S-16-02 filed November 10, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Courtside Drive shall stop for Woodview Pass.  
is hereby made permanent. (Motion ADOPTED.)

#### **TRAFFIC CONTROL ORDER S-16-03**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. S-16-03 filed November 10, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Foxwood Drive shall stop for Woodview Pass.  
is hereby made permanent. (Motion ADOPTED.)

#### **TRAFFIC CONTROL ORDER S-16-04**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. S-16-04 filed November 10, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Woodview Court shall stop for Woodview Pass.  
is hereby made permanent. (Motion ADOPTED.)

#### **TRAFFIC CONTROL ORDER S-16-05**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that Traffic Control Order No. S-16-05 filed November 10, 2016 pursuant to Chapter 24 of the Code of Ordinances to establish traffic control as follows:

That Pine Haven Circle shall "Yield" to Foster Road.  
is hereby made permanent. (Motion ADOPTED.)

#### **SUPERHERO 5K FUN RUN & WALK EVENT**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the request from Stephanie Parker, Safe & Sound Child Advocacy Center, to conduct a Superhero 5k Fun Run & Walk on Saturday, May 6, 2017, utilizing the Rail Trail, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Stephanie Parker, 989-835-9922.
- Use of the Rail Trail is non-exclusive and **no markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces.

## UNAPPROVED

- Participants must remain on the Rail Trail and obey all traffic laws and traffic control devices as well as the Rail Trail Etiquette/Rules attached.
- Trail must be cleaned up afterwards to remove any litter.
- Organizer must provide "Traffic Control Monitors" at intersections of Main Street with Currie Parkway and Orchard Drive (Emerson Park entrance). City will provide limited traffic barricades to be used by "Traffic Control Monitors". Traffic Control Monitors must wear safety vests provided by the City. Two weeks prior to the event, organizer and supervisor of Traffic Control Monitors shall meet with City Right-of-Way Inspector, Tom Hoblet (837-3355) for awareness training. These volunteers must monitor the intersections and move barricades for cars and passage of emergency vehicles as needed, when runners are not present.
- The Police Department will monitor the event on regular patrol.

; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner. (Motion ADOPTED.)

### **2017 BAYLISS STREET RECONSTRUCTION AND WATER MAIN**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction and water main replacement on Bayliss Street; and

WHEREAS, funding for this project is provided by the Local Street and Water Funds; now therefore

RESOLVED, that the low sealed proposal submitted by Sova Excavating & Trucking Inc. of Midland, Michigan for the "2017 Bayliss Street Reconstruction & Water Main; Contract No. 2", in the amount of \$300,198.50 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000. (Motion ADOPTED.)

### **LIGHT DUTY VEHICLE PURCHASE**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, bids for light and medium duty vehicles are solicited by the State of Michigan's Extended Purchasing Program on a bi-annual basis, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, sufficient funding for the purchase of one cab and chassis 4x2 truck is included in the FY 2016/17 Equipment Revolving Fund for Capital Outlay to replace unit 3-53, an aging, high maintenance unit deemed in need of replacement; now therefore

RESOLVED, that the Interim Assistant Controller is authorized to issue a purchase order to the State of Michigan's selected vendor Signature Ford of Owosso, Michigan in the amount of \$31,299 for one Ford F-450 cab and chassis 4x2 truck, all in accordance with the State of Michigan's Extended Purchasing Program's proposal and specifications. (Motion ADOPTED.)

**DIESEL FUEL PURCHASE**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and  
WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and  
WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and  
WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore  
RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and  
RESOLVED FURTHER, that the purchase of 12,701 gallons of Winter Blend diesel fuel from Paxson Oil of Saginaw, Michigan for \$20,628.96 executed by the Interim Assistant Controller on January 11, 2017, is hereby approved. (Motion ADOPTED.)

**GIS SOFTWARE MAINTENANCE AND SUPPORT SERVICES**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the ESRI three-year Geographic Information System (GIS) software maintenance and support subscription is due for renewal; and  
WHEREAS, software maintenance and support is directly provided by the manufacturer and is considered sole source; and  
WHEREAS, sufficient funding exists in the Information Services GIS Fund, and its 2016-17 budget includes sufficient appropriations to pay the 2016-17 expenditures; now therefore  
RESOLVED, that in accordance with Section 2-18 of the Code of Ordinances, the City Council hereby authorizes the Mayor and City Clerk to renew the three-year agreement with ESRI in the amount of \$105,000 to be paid in three annual installments of \$35,000 for maintenance and support services. (Motion ADOPTED.)

**ZONING PETITION NO. 608**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, January 10, 2017 for property located at 1400 Bayliss Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from RC Regional Commercial zoning to RB Multiple Family Residential zoning with an offered condition limiting the use of the parcel to a single duplex; now therefore  
RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, February 13, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and  
RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before January 27, 2017 and to publish said notice on January 28, 2017.

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A RESIDENTIAL B MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT WHERE A REGIONAL COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE SOUTHWEST ¼ OF SECTION 15, T14N-R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST 1/8 POST OF SAID SECTION: THENCE N 00D 00M 00S E, 583.00 ALONG THE WEST 1/8 LINE OF SAID SECTION; THENCE N 90D 00M 00S E 32.00 FEET TO THE POINT OF BEGINNING; THENCE N 00D 00M 00S E, 77.00 FEET; THENCE N 90D 00M 00S E 120.00 FEET; THENCE S 00D 00M 00S W 77.00 FEET; THENCE N 90D 00M 00S W, 120.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.21 ACRES.

Be, and the same is hereby changed to Residential B Multiple Family Residential zoning with the following condition:

1. Only a single duplex shall be built on the parcel.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

Being no further business the meeting adjourned at 8:50 p.m.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

2. Zoning Petition No. 608 - to amend the City of Midland Zoning Map by rezoning property located at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple Family Residential zoning subject to offered conditions (also see material sent in the January 23 agenda packet). KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 2-13-17**

**SUBJECT:** Zoning Petition No. 608

**PETITIONER:** DGR Property Management, LLC

**PLANNING COMMISSION PUBLIC HEARING:** January 10, 2017

**PLANNING COMMISSION ACTION:** Recommendation of approval.

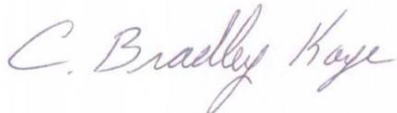
**SUMMARY:** AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING PROPERTY LOCATED AT 1400 BAYLISS STREET FROM RC REGIONAL COMMERCIAL ZONING TO RB MULTIPLE FAMILY RESIDENTIAL ZONING SUBJECT TO OFFERED CONDITIONS.

**ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Ordinance for City Council Action.
3. Staff Report to Planning Commission dated January 4, 2017. (See packet from January 23, 2017.)
4. Planning Commission minutes of January 10, 2017 (public hearing). (See packet from January 23, 2017.)
5. Applicant's written offer of conditions dated December 20, 2016. (See packet from January 23, 2017.)
6. Communication(s). (See packet from January 23, 2017.)
7. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: February 13, 2017.
2. 3/5 vote required.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

2-8-17



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

February 8, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, January 10, 2017, the Planning Commission considered Zoning Petition No. 608, the request of DGR Property Management, LLC, to rezone the property located at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple Family Residential zoning. Considered as part of the request was a condition offered in writing by the applicant, voluntarily limiting use of the parcel to a single duplex.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Hanna to recommend to City Council the approval of Zoning Petition No. 608 initiated by DGR Property Management, LLC to zone the property at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple Family Residential zoning subject to the following offered condition:

1. To allow one single duplex to be built.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini  
NAYS: None  
ABSENT: None

The motion was approved 9 to 0.

No public comments were received at the public hearing held by the Planning Commission. One letter of support was received on the petition.

On January 23, 2017 the City Council set a public hearing for February 13, 2017 at 7:00 p.m. to consider Zoning Petition No. 608. A resolution approving the petition is now presented for City Council consideration following conclusion of the public hearing.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #608 PH

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERRECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A RESIDENTIAL B MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT WHERE A REGIONAL COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE SOUTHWEST ¼ OF SECTION 15, T14N-R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST 1/8 POST OF SAID SECTION: THENCE N 00D 00M 00S E, 583.00 ALONG THE WEST 1/8 LINE OF SAID SECTION; THENCE N 90D 00M 00S E 32.00 FEET TO THE POINT OF BEGINNING; THENCE N 00D 00M 00S E, 77.00 FEET; THENCE N 90D 00M 00S E 120.00 FEET; THENCE S 00D 00M 00S W 77.00 FEET; THENCE N 90D 00M 00S W, 120.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.21 ACRES.

Be, and the same is hereby changed to Residential B Multiple Family Residential zoning with the following condition:

1. Only a single duplex shall be built on the parcel.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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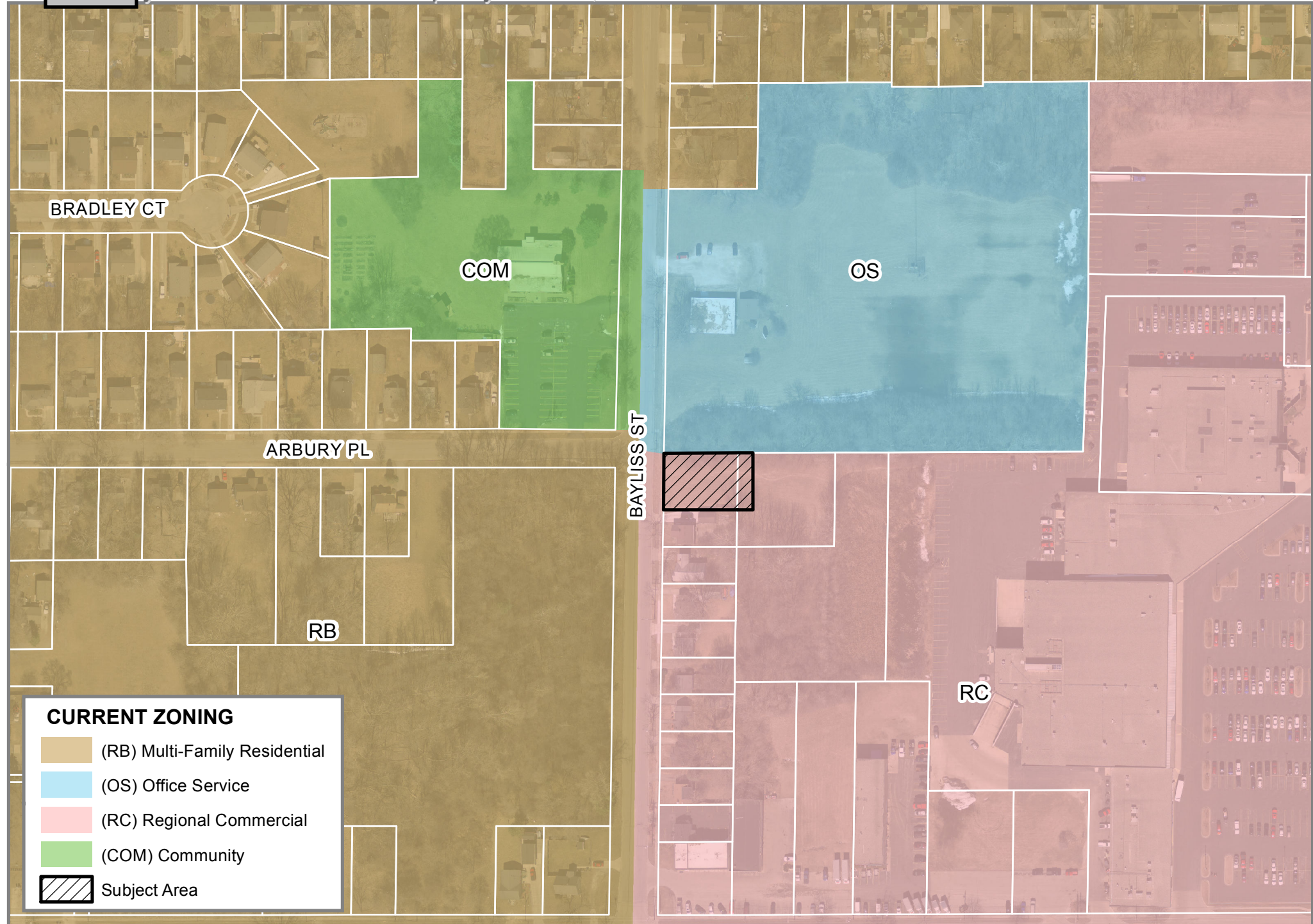
Selina Tisdale, City Clerk



# ZP #608 | RC Regional Commercial to RB Residential (with conditions)



> 1 Page 17 Bayliss Street - DGR Property MGMT, LLC



1-23-17  
Set PH for (14)  
2-13-17

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 1-23-17**

**SUBJECT:** Zoning Petition No. 608

**PETITIONER:** DGR Property Management, LLC

**PLANNING COMMISSION PUBLIC HEARING:** January 10, 2017

**PLANNING COMMISSION ACTION:** Recommendation of approval.

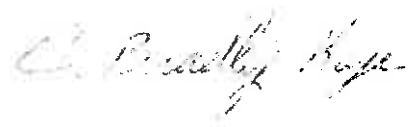
**SUMMARY:** ACTION TO SET A PUBLIC HEARING TO AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING PROPERTY LOCATED AT 1400 BAYLISS STREET FROM RC REGIONAL COMMERCIAL ZONING TO RB MULTIPLE FAMILY RESIDENTIAL ZONING SUBJECT TO OFFERED CONDITIONS.

**ITEMS ATTACHED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Resolution for City Council Action.
3. Staff Report to Planning Commission dated January 4, 2017.
4. Planning Commission minutes of January 10, 2017 (public hearing).
5. Applicant's written offer of conditions dated December 20, 2016.
6. Communication(s).
7. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: February 13, 2017.
2. Advertising date: January 28, 2017.
3. Public Hearing notification to area residents mail date: January 27, 2017.
4. 3/5 vote required to set a public hearing.

  
C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

1-18-17



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

January 18, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, January 10, 2017, the Planning Commission considered Zoning Petition No. 608, the request of DGR Property Management, LLC, to rezone the property located at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple Family Residential zoning. Considered as part of the request was a condition offered in writing by the applicant, voluntarily limiting use of the parcel to a single duplex.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Hanna to recommend to City Council the approval of Zoning Petition No. 608 initiated by DGR Property Management, LLC to zone the property at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple Family Residential zoning subject to the following offered condition:

1. To allow one single duplex to be built.

Vote on the motion:

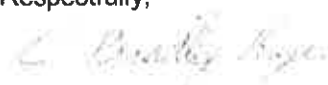
YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini  
NAYS: None  
ABSENT: None

The motion was approved 9 to 0.

No public comments were received at the public hearing held by the Planning Commission. One letter of support was received on the petition.

The City Council is therefore being requested to set a public hearing to consider Zoning Petition No. 608 for February 13, 2017 at 7:00 p.m.

Respectfully,

  
C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #608 Set PH



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, January 10, 2017 for property located at 1400 Bayliss Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from RC Regional Commercial zoning to RB Multiple Family Residential zoning with an offered condition limiting the use of the parcel to a single duplex; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, February 13, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before January 27, 2017 and to publish said notice on January 28, 2017.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A RESIDENTIAL B MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT WHERE A REGIONAL COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE SOUTHWEST ¼ OF SECTION 15, T14N-R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST 1/8 POST OF SAID SECTION: THENCE N 00D 00M 00S E, 583.00 ALONG THE WEST 1/8 LINE OF SAID SECTION; THENCE N 90D 00M 00S E 32.00 FEET TO THE POINT OF BEGINNING; THENCE N 00D 00M 00S E, 77.00 FEET; THENCE N 90D 00M 00S E 120.00 FEET; THENCE S 00D 00M 00S W 77.00 FEET; THENCE N 90D 00M 00S W, 120.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.21 ACRES.

Be, and the same is hereby changed to Residential B Multiple Family Residential zoning with the following condition:

1. Only a single duplex shall be built on the parcel.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 23, 2017.

---

Selina Tisdale, City Clerk



ZP #608

Date: January 4, 2017

### STAFF REPORT TO THE PLANNING COMMISSION

**SUBJECT:** Zoning Amendment Petition #608 (Conditional Rezoning Request)

**APPLICANT:** DGR Property Management, LLC

**LOCATION:** 1400 Bayliss Street

**AREA:** 0.21 acres

**ZONING:**           **EXISTING**           RC Regional Commercial  
                         **PROPOSED**       RB Multiple Family Residential, subject to conditions

**ADJACENT ZONING:**           North: OS Office Service  
  East: RC Regional Commercial  
  South: RC Regional Commercial  
  West: RB Multiple Family Residential

**ADJACENT DEVELOPMENT:**   North: Wooded land, radio station office and tower  
  East: Vacant, wooded, commercial strip center  
  South: Single-family residential homes  
  West: Vacant, wooded land

### REPORT

Zoning Petition No. 608, initiated by DGR Property Management, LLC, proposes to rezone property located at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple Family Residential zoning, subject to the condition that only a single duplex can be built on the subject site. The proposed condition by the applicant effectively restricts the permitted uses on the site to a single duplex as all other permitted uses typically permitted in the RB zoning district would not be permitted.

### BACKGROUND

This parcel is currently zoned RC Regional Commercial, along with the property to the immediate east and south of the subject site. The site has been zoned RC since 2005, prior to that the site was zoned BB-2, a district that is no longer used but largely similar to RC. Prior to that in 1963, the site was rezoned from Residential B to Conditional, a zoning that permitted commercial development.



While the site and the surrounding area was zoned for residential purposes (Residential B), the single-family homes that exist to the south of the subject site were built. All were constructed in the late 1930's to early 1940's. Much of the commercial development that lies to the southeast of the site, including what is now known as the Midland Towne Center, was developed in the late 1980's and early 1990's, according to City Assessing records.

The proposed RB Multiple Family Residential zoning district is intended to address the varied housing needs of residents by providing areas for attached housing at a higher density than is permitted in any of the single-family residential districts. It is further intended that multiple-family housing 1) be designed with essential services, such as public water and sewer, and outdoor recreation space and recreation facilities; 2) have access to roads that can adequately handle the traffic generated by such uses; and 3) be designed to be compatible with surrounding uses, especially when a Multiple Family Residential District serves as a transitional use between single family residential development and more intensive development. Despite this stated intent of the RB District, the condition offered by the applicant would limit use of the site to a single duplex.

### ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

#### 1. Is the proposed amendment consistent with the City's Master Plan?

#### **ZP #608 | RC Regional Commercial to RB Residential (with conditions)**

> 1400 Bayliss Street - DGR Property MGMT. LLC



The Future Land Use map of the City's Master Plan identifies the subject area as Commercial. Lands to the south and east are also designated as Commercial. According to the City Master Plan, Commercial areas are intended to have a variety of uses, determined by the size and geographic location of the planned areas (e.g. large commercial centers versus small neighborhood commercial nodes). Consistent with this description, and given the scale of the surrounding commercial development, this particular area of the city has been planned for larger scale commercial centers.

The area surrounding the subject site contains a mix of different designations. To the north of the site, the future land use designation is Office-Service. To the west of the site, the lands are planned for High Density Residential purposes. To the northwest of the site, the area is planned for Public Parks and Recreation. The surrounding designations place this site within a transition area where land is planned for four different uses: residential, recreation, office-service, and commercial.

**2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?**

In staff's opinion, the proposed rezoning would promote the basic intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's Zoning Ordinance, especially as it relates to providing for a variety of residential housing types.

**Section 1.02 B INTENT**

*It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.*

**3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?**

Limited activity has taken place since the current commercial zoning district was established on this site in 1963. The development of the Midland Towne Center to the east was designed with the rear business accesses facing towards the site as well as the stormwater management basins being located behind the center. This design effectively limits the ability for the subject site, and the existing residences to the south, to be developed into business or commercial space without large-scale redevelopment. The amendment will facilitate development of the site that is consistent with the general pattern of development along this portion of Bayliss Street.



**4. Will the amendment merely grant special privileges?**

No. The immediate area, to the south and northwest, has been used for residential purposes since the mid-1930's. The amendment will extend an existing RB Multiple Family Residential district across Bayliss Street. It would also, however, establish residential zoning east of Bayliss Street that does not exist currently.

**5. Will the amendment result in unlawful exclusionary zoning?**

No. The zoning amendment will continue a pattern of zoning that is consistent with the general pattern of development in the area and in a manner that would not be considered exclusionary. The specific zoning request has been fashioned as an extension of the RB zoning to the west, even though RA-4 zoning without any conditions would also achieve the applicant's goal of constructing a duplex on the property.

**6. Will the amendment set an inappropriate precedent?**

Perhaps. The proposed amendment will allow for development that is consistent with the general pattern of existing residential development along this portion of Bayliss Street. The amendment will extend an existing RB Multiple Family Residential district from across Bayliss Street. It will also, however, introduce residential zoning into an area where such zoning does not exist and where it has not been planned, notwithstanding the presence of existing residences.

**7. Is the proposed zoning consistent with the zoning classification of surrounding land?**

Partially. Surrounding lands exhibit a pattern of mixed use and mixed zoning. The proposed zoning will permit a two family dwelling, which is considered an appropriate use given surrounding one family, multiple family, office service and commercial zoning. It is not, however, consistent with the RC zoning that applies to the south and east on adjacent properties.

**8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?**

No. The current Master Plan, adopted in 2007 and the previous Master Plan, adopted in 1997, established the subject site and the immediate lands surrounding as a transitional area between residential, office-service, commercial, and recreational uses. While the subject site is designated as Commercial, consideration must be given to the character of this transitional area. It would not be incorrect to consider the proposed zoning as a reasonable extension of the High Density Residential designation and the RB Multiple Family Residential zoning district that is established across Bayliss Street.

**9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

Yes. The parcel could meet all of the RB Multiple Family Residential zoning requirements for new developments considering the condition to limit the site to a single-duplex.

**10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?**

Inconclusive. The proposed zoning classification of RB will be consistent with some of the existing residential land uses in the area. Aside from commercial development in the 1980's and 1990's, however, the area has remained stable and no development has taken place. No development trends are therefore apparent. Commercial and office service development is expected to continue to the north and southeast but can be planned in such a way to be consistent with high or medium density residential uses within the subject site and along Bayliss Street to the south. Likely use and redevelopment of the lands to the south is not clear despite the Commercial land use designation applied to these properties.

**STAFF RECOMMENDATION**

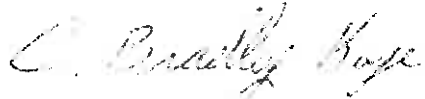
Per the staff comments above, this application does not satisfy every one of the criteria that are to be considered during a zoning petition. That said, a positive response to every criteria is not necessary. With that in mind, and considering the totality of both the criteria and the circumstances, staff recommends approval of the rezoning petition for the following reasons:

- A conditional rezoning to establish RB Multiple Family Residential zoning that limits development to a single duplex is a reasonable and appropriate zoning classification that will permit development of the subject lands in a manner compatible with the adjacent residential development including the existing single family residential uses to the south of the subject site.
- RB Multiple Family Residential zoning district is a reasonable extension of the zoning district across Bayliss Street from the subject site.
- The Future Land Use Map of the Master Plan establishes this area as a transitional zone between residential, office-service, commercial and recreational land uses.
- The proposed zoning district is considered appropriate given existing and anticipated future development patterns in the area.

**PLANNING COMMISSION ACTION**

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on January 10, 2017 and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on January 23, 2017 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for February 13, 2017 at which time a decision will be made on the proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP  
Assistant City Manager for Development Services

/grm

**MINUTES OF THE MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION  
WHICH TOOK PLACE ON  
TUESDAY, JANUARY 10, 2017, 7:00 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

**3. Roll Call**

**PRESENT:** Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini

**ABSENT:** None

**OTHERS PRESENT:** Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and two (2) others.

**4. Approval of Minutes**

Moved by Hanna and seconded by Pnacek to approve of the minutes as amended of the regular meeting of November 22, 2016. Motion passed unanimously.

**5. Public Hearing**

- a. **Zoning Petition No. 608** – initiated by DGR Property Management, LLC to zone the property located at 1400 Bayliss Street from RC Regional Commercial zoning to RB Multiple-Family Residential, subject to the condition offered by the applicant that would restrict use of the property to a single duplex.

Murschel gave the presentation on this proposal. He explained the review criteria and the answers to each one by staff. A positive response to every review criterion is not needed but the application should be considered given the totality of the responses. The designation of the subject site on the future land use map does not match the proposed rezoning but consideration should be given to the transitional nature of this area. The applicant has offered the condition to limit the permitted uses on the site to a single duplex in writing.

Bain wondered if there was any concern over dioxin remediation levels. Kaye indicated that this does not have bearing on the consideration of rezoning as it is a matter between the property owner and The Dow Chemical Company.

Mayville wondered if this area along Bayliss Street should be reconsidered in the Master Plan. Kaye commented that staff would not necessarily support such a change as the entire block has been designated for commercial purposes for many years.

Dave Rapanos, owner of the property, spoke as the applicant. He indicated that he has a letter from Dow stating that after testing it was determined that the property did not need to be remediated for dioxin.

No one spoke in support or opposition of the proposal. The public hearing was closed.

**Planning Commission Minutes**  
**January 10, 2017**

A motion was made by Heying to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Hanna. The motion was approved unanimously.

Koehlinger commented that in the 40 years that this area has been zoned for commercial development, no redevelopment has taken place in this strip along Bayliss Street. He thought this was notable and wondered if it might be appropriate to reconsider the designation in the future to reflect this and the pattern of residential development. McLaughlin indicated that this area could be added to the list of areas to consider during the next update of the Master Plan. The Commission agreed to have it added to the list for future consideration.

Hanna commented that she liked the proposal and hoped that it would stimulate additional investment in this neighborhood. Bain commented that development of a duplex on this site would add to the neighborhood rather than detract.

Heying added that much of his consideration of the proposal related to the potential of setting an inappropriate precedence. He has concluded that it would not, given the uniqueness of the site and the lack of other sites that are similar in the city.

It was moved by Heying and supported by Hanna to recommend approval of Zoning Petition No. 608 initiated by DGR Property Management, LLC to zone the property located at 1400 Bayliss Street to RB Multiple-Family Residential zoning, subject to the condition offered by the applicant.

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and  
Tanzini  
NAYS: None

**6. Old Business**

None

**7. Public Comments (unrelated to items on the agenda)**

None

**8. New Business**

None

**9. Communications**

Various materials were distributed to the Commission including the Planning & Zoning News, and the updated Future Land Use Map of the City's Master Plan.

**10. Report of the Chairperson**

None

**11. Report of the Planning Director**

Kaye gave an update on ongoing projects staff is working on that relates to the concerns of the Planning Commission including the Capital Improvement Plan, Poseyville Roadside Park, Redevelopment Ready Communities certification, and dioxin remediation updates.

**12. Items for Next Agenda – January 24, 2017**

None. The Commission agreed to the cancel this meeting.

**13. Adjourn**

It was motioned by Hanna and seconded by Mayville to adjourn at 8:25 p.m. Motion passed unanimously.

Respectfully submitted,

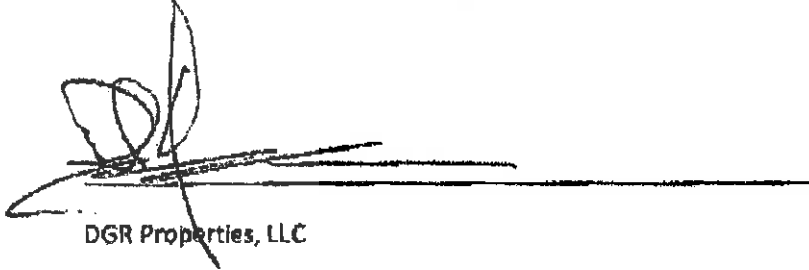
A handwritten signature in cursive script, reading "C. Bradley Kaye".

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

12/20/2016

I, David G. Rapanos, on behalf of DGR Properties, LLC will restrict my zoning request of RB zoning to allow only 1 single duplex to be built on the rezoned property.

A handwritten signature in black ink, appearing to be 'DGR', is written over a horizontal line. The signature is stylized and somewhat abstract.

DGR Properties, LLC

David G. Rapanos

**PUBLIC HEARING NOTICE**  
City of Midland  
**PROPOSED ZONING**

RECEIVED

L-

JAN 03 2017

PLANNING DEPT

Please take notice that the Midland City Planning Commission will conduct a public hearing on:  
Zoning Petition No. 608, initiated by DGR Property Management, LLC to zone the property located at  
1400 Bayliss Street from Regional Commercial zoning to Residential B Multiple Family Residential  
zoning with the condition to allow only one single duplex to be developed.

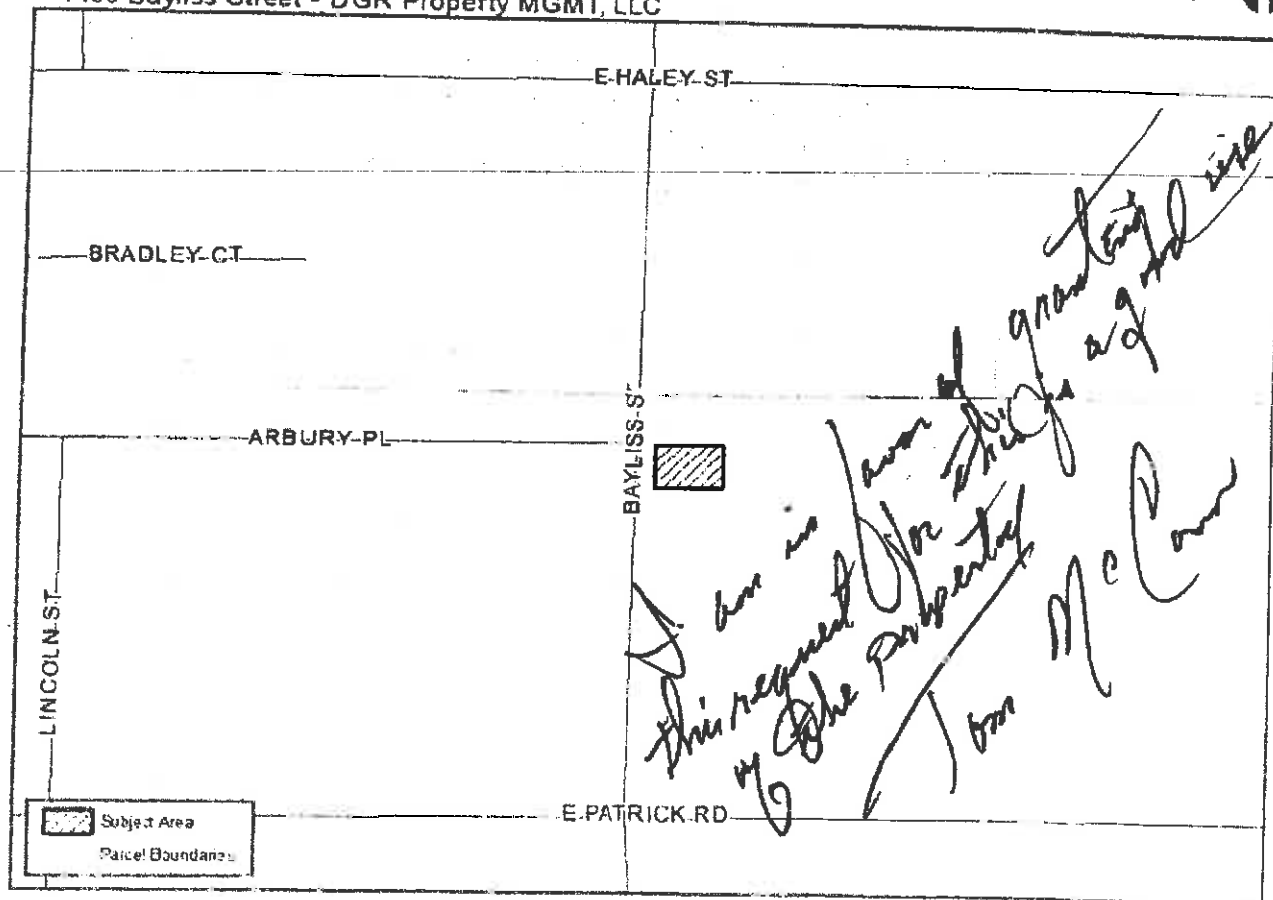
Said hearing will take place on Tuesday, January 10, 2017, at 7:00 p.m., in Council Chambers, City  
Hall, Midland, Michigan, as required by Article XXX, Section 30.03(A) of Ordinance No. 1585.

If you have any questions, contact the City Planning Department at 837-3374.

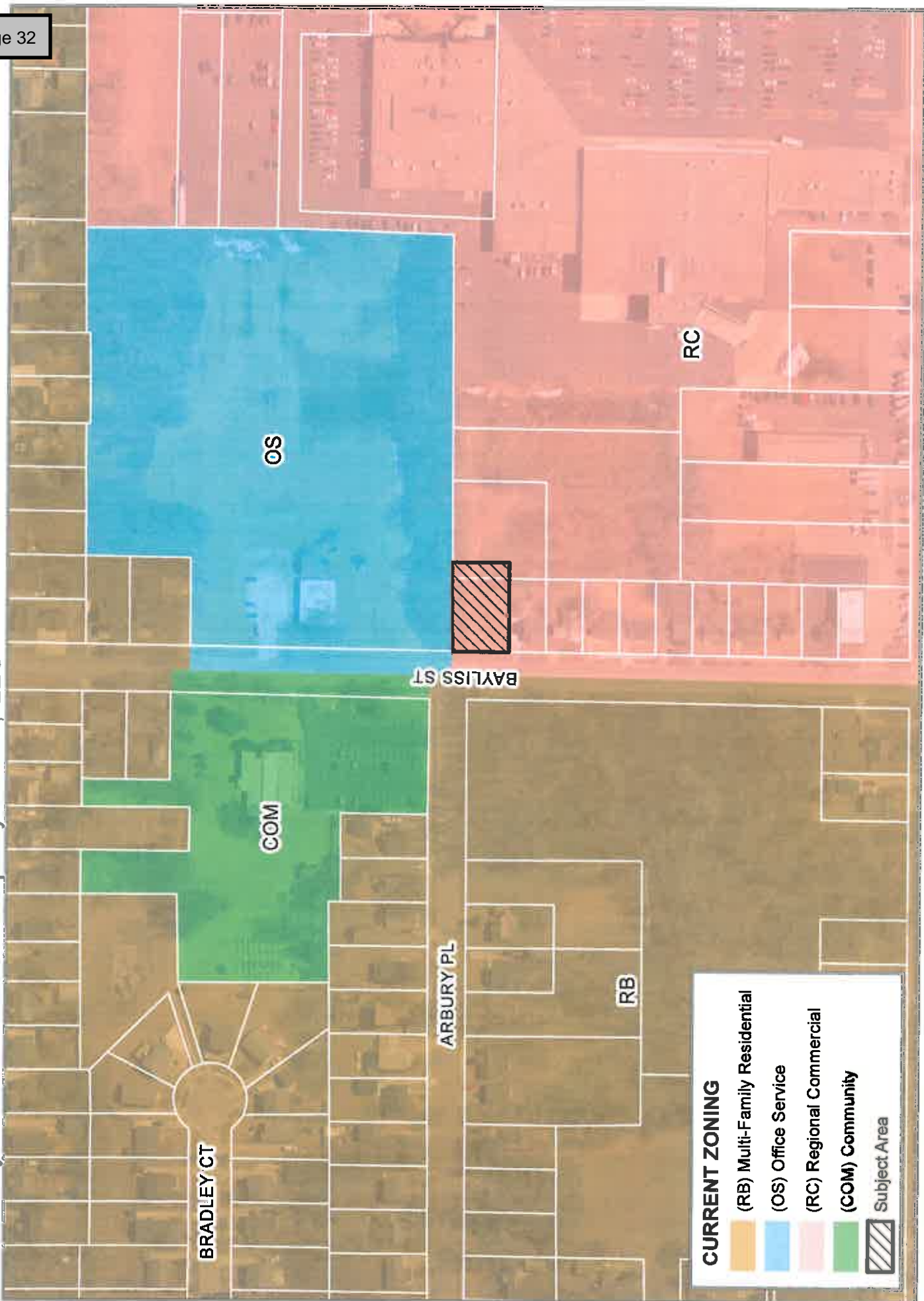
MIDLAND CITY PLANNING COMMISSION

*C. Bradley Kaye*  
C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

**ZP #608 | RC Regional Commercial to RB Residential (with conditions)**  
> 1400 Bayliss Street - DGR Property MGMT, LLC



**ZP #6J8 | RC Regional Commercial to RB Residential (with condition)**  
**> 1400 Bayliss Street - DGR Property MGMT, LLC**



**CURRENT ZONING**

(RB) Multi-Family Residential
(OS) Office Service
(RC) Regional Commercial
(COM) Community
Subject Area



**Backup material for agenda item:**

3. Approving resolutions for Tridge Renovations: MURPHY
  - a. Accepting a gift of \$2,500,000 from the Rollin M. Gerstacker Foundation to fund Tridge renovations.
  - b. Setting a public hearing to amend the 2016-17 General Fund budget to increase revenues and expenditures by \$2,500,000 (3/13).

SUMMARY REPORT TO MANAGER

**For City Council Meeting of February 13, 2017**

**SUBJECT:** Accepting a gift from the Rollin M. Gerstacker Foundation, and setting a public hearing to amend the FY 2016-17 General Fund budget for renovations to the Tridge.

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:**

- a. Accept a gift of \$2,500,000 from the Rollin M. Gerstacker Foundation and
- b. Set a public hearing for March 13, 2017 at 7:00 p.m. in City Council Chambers on a proposal to amend the FY 2016-17 General Fund budget to increase revenues and expenditures by \$2,500,000 for renovations to the Tridge.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Letter from the Rollin M. Gerstacker Foundation
3. Resolutions

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services



February 9, 2017

Jon Lynch  
City Manager  
Midland, MI

RE: Accepting a gift from the Rollin M. Gerstacker Foundation, and setting a public hearing to amend the FY 2016-17 General Fund budget for renovations to the Tridge.

Trustees from the Rollin M. Gerstacker Foundation approached the City in late 2016 with an interest in making needed improvements to the Tridge. To outline the scope of work presently needed to keep the structure in good repair, the City consulted with the chief engineer at Western Wood Structures, a renowned expert in glue-laminated timber bridge construction. The City received a report prioritizing the current maintenance and major maintenance needs to extend the life of the Tridge by several decades. The key recommendations include:

1. Removal of the water-based stain and application of an oil-based penetrating stain.
2. Treatment of openings in the wood with preservative.
3. Installation of sheet metal flashing on the top arches to divert water.
4. Replacement of the wood decking.
5. Replacement of the upright glue-laminated railing members due to rot.
6. Replacement of the old lighting system with LED lights.

The City's Park supervisors have gathered cost estimates from reputable companies in the timber bridge industry for the work outlined above and estimate the project to cost just under \$2,700,000. The City has an endowed maintenance fund held at the Midland Area Community Foundation that currently has \$200,000 in spendable funds that can be used toward the project, and the Rollin M. Gerstacker Foundation has pledged a very generous gift of \$2,500,000 for the balance of the project.

To date, the City has received verbal confirmation, with written correspondence in process, from the Rollin M. Gerstacker Foundation. In order to move forward with the project, the General Fund budget must be amended to recognize the incoming revenue and to

Jon Lynch  
Page Two  
February 9, 2017

allocate the appropriate expenses. Amending a budget requires a public hearing and Council involvement at two separate meetings: the first meeting to set the date for a public hearing, and the second to hold the public hearing. In addition to formally accepting this very generous gift from the Rollin M. Gerstacker Foundation, the attached resolutions for City Council's consideration would schedule March 13 as the date for holding the public hearing on the budget amendment.

Respectfully Submitted,

---

Karen Murphy  
Director of Public Services



BY COUNCILMAN

WHEREAS, trustees from the Rollin M. Gerstacker Foundation expressed interest in making needed improvements to the Tridge to which the City responded by consulting with an engineering firm who is a renowned expert in the field of glue-laminated timber bridges; and

WHEREAS, the engineering firm provided the City with a list of key improvements that are needed at this time to extend the life of the Tridge; and

WHEREAS, City staff gathered cost estimates for the work from reputable companies in the timber bridge industry and estimate the total project to cost just under \$2,700,000; and

WHEREAS, the City has an endowed maintenance fund held at the Midland Area Community Foundation that has \$200,000 in spendable funds available to be used toward the project; and

WHEREAS, the Rollin M. Gerstacker Foundation has verbally pledged to provide a gift of \$2,500,000 to cover the balance of the project expenses; now therefore

RESOLVED, that the City Council graciously accepts this very generous gift from the Rollin M. Gerstacker Foundation for renovations to the Tridge.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

---

Selina Tisdale, City Clerk

BY COUNCILMAN

WHEREAS, the City has been awarded a very generous gift of \$2,500,000 from the Rollin M. Gerstacker Foundation for renovations to the Tridge; and

WHEREAS, the FY 2016-17 General Fund budget does not currently include revenues or expenditures related to this project, and in order to spend the gift for the purpose intended, it is necessary to amend the FY 2016-17 General Fund budget; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., March 13, 2017 in the Council Chambers of City Hall on the proposal to amend the FY 2016-17 General Fund budget to increase revenues and expenditures to recognize \$2,500,000 from the Rollin M. Gerstacker Foundation for renovations to the Tridge; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

4. Accepting the gift of renovations from Momentum Midland to restore the former Oldcastle/4D manufacturing site. MURPHY

SUMMARY REPORT TO MANAGER  
For City Council Meeting of February 13, 2017

**SUBJECT:** Former Oldcastle/4D manufacturing site renovations

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution accepts the gift of renovations to the former Oldcastle/4D manufacturing site.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Communications
3. Resolution

**CITY COUNCIL ACTION:**

3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services





February 8, 2017

Jon Lynch  
City Manager  
Midland, Michigan

RE: Former Oldcastle/4D manufacturing site renovations

In 2013, the City began the process of acquiring the former Oldcastle/4D manufacturing facility located adjacent to the Mark Putnam bridge on Poseyville Road. Through application to the Federal Emergency Management Agency (FEMA), a Flood Mitigation Assistance Program grant in the amount of \$1,029,692.50 was secured for the purpose of acquiring the property, demolishing all buildings and structures on the site, and restoring the site to a passive recreational greenspace. The facility qualified for this grant on the basis of it being located in the flood plain and subject to several earlier National Flood Insurance Program loss claims.

Since acquisition of the property and demolition of the buildings and structures, it has been determined that most if not all of the site contains 4 - 10+ feet of concrete rubble below the concrete and asphalt surface cover. It is estimated that, assuming an average depth of 5 feet of rubble, 97,000 cubic yards of material resides on the site. The cost to remove this rubble and restore the site to a naturalized condition is estimated to exceed \$2 million dollars. The remaining funds from the FEMA grant total \$342,392.50. No additional funds are currently available or anticipated from city funding sources. Restoration work on the site has therefore been delayed at this time.

The original and continuing goal of the city is to restore this site to a passive greenspace area open and available for public use and enjoyment. Design of the site must be capable of withstanding regular flood events with minimal maintenance so as not to overburden the financial resources of the City's parks operations. The highly visible location of this parcel along a key entranceway to the city is another factor supporting appropriate restoration of this property.

This past fall, the City was approached by Momentum Midland expressing interest in a possible gift to the City. Specifically, Momentum Midland requested permission to commission the design group that had worked with The Dow Chemical Company on restoration of the ash ponds immediately adjacent to the former Oldcastle/4D site. Since that time, Momentum Midland has developed a restoration plan and compiled the funding necessary to move forward with creating a passive green space with walking paths, boardwalks, wetland habitat and river overlooks that

Jon Lynch  
Page Two  
February 8, 2017

would be available to the public for recreational use. The design is such as to keep maintenance needs to a minimum while creating a park-like entrance to the City, and provide connectivity to the recently renovated Dow ash pond location which Dow has offered for use by the public as well. The restoration develops a recreational opportunity that is currently lacking in this area of town and cleans up the vacant lot that is left over from the flood mitigation project, while fitting within the City's goals for the property in terms of future flood plain usage.

Momentum Midland presented their proposed design to the Parks and Recreation Commission at their February 7 meeting and offered to present the completed project to the City as a gift to the community. The Parks and Recreation Commission unanimously recommended that City Council accept this very generous gift and allow the project to move forward at this time. The attached resolution accepts the gift of restoring the site to a passive, recreational green space and allows Momentum Midland to work with City staff as needed to move forward with the project at this time.

Respectfully,

---

Karen Murphy, Director of Public Services

### Conceptual Drawing of proposed site restoration





105 Post Street • Midland, Michigan 48640 • 989.835.4886 •

---

February 3, 2017

To the Midland City Council,

The Little Forks Conservancy is pleased to support Momentum Midland's proposed Poseyville Riverside Park development. As an organization that seeks to find ways to connect Midland area residents to nature, we are excited to see the same dedication to combining environmental restoration with recreational opportunities and economic development.

In its twenty years as a nonprofit organization, Little Forks has always been within an easy walk or bicycle ride to downtown Midland. By providing resources to downtown Midland that will attract businesses and residents, Momentum Midland is aligned with our organizational principles of working with - and for - our community and doing so to improve the quality of life.

The wetland and riparian restoration included in this project as well as the kayak and canoe launch will help provide additional opportunities for people to connect with the natural resources of Midland. When added to the other elements of the project, including the pedestrian bridge and outdoor classroom seating, it is clear Momentum Midland has the quality of life in our community at the forefront of their proposal.

Sincerely,

Greg Yankee  
Executive Director



*Inspiring people  
and institutions  
to protect the  
natural world.*

*Venture Out!*

February 3, 2017

Midland City Council  
333 W. Ellsworth St.  
Midland, MI 48640

Chippewa Nature Center is excited about the planned habitat restoration project, creation of green space, and addition of trails and river access proposed at the 4D Riverfront Property, owned by the city of Midland. As an organization dedicated to connecting people to nature, we support this plan to restore a riparian ecosystem and provide even more opportunities for people of all ages to access, view, and learn about nature so close to downtown.

Sincerely,

Dennis E. Pilaske  
Executive Director  
Chippewa Nature Center



# Midland

Parks & Recreation ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640-2321 ♦ 989.837.6930 ♦ 989.835.5651 -Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

## BY COUNCILMAN

WHEREAS, the City of Midland received Flood Mitigation Assistance funding from the Federal Emergency Management Agency in 2014 to acquire property and remove the former Oldcastle/4D manufacturing buildings; and

WHEREAS, the funding received from FEMA will not fully cover restoration of the site to a natural, passive greenspace as was the original desire of the City staff involved in the project; and

WHEREAS, Momentum Midland has approached the City with a proposed restoration plan and funding to complete the project that would result in the creation of a recreational greenspace available for public use, consistent with the natural, passive greenspace intent of the original FEMA grant; and

WHEREAS, Momentum Midland presented the proposal to the Parks and Recreation Commission on February 7 and received a unanimous recommendation that City Council accept this very generous gift to restore the site to a recreational greenspace that fits within the goals of the City in terms of flood mitigation; now therefore

RESOLVED, that the City hereby accepts the gift from Momentum Midland to restore the former Oldcastle/4D site to a passive recreational greenspace; and

RESOLVED FURTHER, that Momentum Midland is allowed to work with City staff as needed to move forward with the project at this time.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

---

Selina Tisdale, City Clerk

**Backup material for agenda item:**

5. Receiving the resignation of City Manager Jon Lynch. TISDALE

**SUMMARY REPORT TO CITY MANAGER  
for City Council meeting of February 13, 2017**

**SUBJECT:** Receive and File Letter of Resignation from City Manager Jon Lynch

**INITIATED BY:** Selina Tisdale, Director of Community Affairs

**RESOLUTION SUMMARY:** This resolution accepts the letter of resignation submitted by City Manager Jon Lynch and places it on file in the Midland City Clerk's office.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Letter of Resignation from City Manager Jon Lynch
3. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution



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February 6, 2017

Mayor Maureen Donker and  
Midland City Council

Dear Mayor Donker:

In accordance with Section 3.8 of the Charter of the City of Midland, I hereby transmit the letter of resignation submitted by City Manager Jon Lynch dated January 26, 2017.

Section 3.8 of the City Charter states, in part, "Resignations of elected officers and officers appointed by the Council shall be made in writing to the Council, be filed with the Clerk and acted upon by the Council at its next regular meeting following receipt thereof by the Clerk...".

City Council action this evening, as detailed in the attached resolution, is to accept the resignation for receipt and file.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Selina Crosby Tisdale".

Selina Crosby Tisdale  
Community Affairs Director





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January 26, 2017

Mayor Maureen Donker  
City of Midland  
333 W. Ellsworth St.  
Midland, MI 48640

Dear Mayor Donker:

In accordance with Sections 2(c) and 11(c) of the Midland City Manager Employment Agreement, to which I am a party, this letter shall serve as notice of my resignation from the position of city manager effective April 30, 2017.

Recently I was offered the position of president at Three Rivers Corporation and it is not one that I can decline. This opportunity presents an exciting and challenging next-step in my professional development with a company I deeply admire.

Words will not sufficiently describe the gratitude I have for all of the help and effort devoted by Midland citizens, the City Council, and the employees of the City of Midland during my tenure. My time here has been a period of tremendous professional & personal growth and you played a key role in that. To say it has been a pleasure working with you, the team, and the community is an understatement of the highest order.

While I look forward to continuing my work as a community builder in a different capacity, you should know that during the remainder of my tenure, and in the years after, I will remain dedicated to the success of Midland, my home.

With warmest regards,

Jon Lynch, AICP ICMA-CM  
City Manager

cc: Mayor Pro-Tem Marty Wazbinski  
Councilman Tom Adams  
Councilman Steve Arnosky  
Councilwoman Brown-Wilhelm

/jl



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**BY COUNCILMAN**

**WHEREAS, City Manager Jon Lynch submitted a letter of resignation dated January 26, 2017; and**

**WHEREAS, Section 3.8 of the City of Midland Charter states that: "Resignations of elected officers and officers appointed by the Council shall be made in writing to the Council, be filed with the Clerk and acted upon by the Council at its next regular meeting following receipt thereof by the Clerk..."; now therefore**

**RESOLVED, that the Midland City Council hereby accepts the letter of resignation submitted by City Manager Jon Lynch, places it on file in the Midland City Clerk's office, and expresses appreciation to Jon Lynch for his years of service to the City of Midland.**

**YEAS:**

**NAYS:**

**ABSENT:**

**I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.**

---

**Selina Tisdale, City Clerk**

**Backup material for agenda item:**

6.       \* Approving the request of Kandie Guild to conduct a Juvenile Diabetes Walk on Sunday, October 1. MCMANUS

**SUMMARY REPORT TO CITY MANAGER**  
for City Council Meeting of February 13, 2017

**SUBJECT:** JUVENILE DIABETES WALK

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:**

The attached resolution approves the request from Kandie Guild to conduct a Juvenile Diabetes Walk on Sunday, October 1, 2017, utilizing the public right-of-way and amplified sound.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Event application
3. Resolution

**CITY COUNCIL ACTION:**

3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer



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February 8, 2017

Jon Lynch, City Manager  
City of Midland  
Midland, MI 48640

Dear Mr. Lynch:

Attached please find a request from Kandie Guild to conduct a Juvenile Diabetes Walk on Sunday, October 1, 2017, utilizing the public right-of-way and amplified sound. The Administrative Staff has reviewed the request and recommends approval subject to the following conditions:

- The responsible party and contact number for the event date is Kandie Guild, 989-513-3239.
- A Certificate of Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured must be submitted to the City Engineer's Office no less than one week prior to the event. You may fax it to 989-837-5708.
- Use of the Rail Trail is non-exclusive and **no markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces.
- Participants must remain on the Rail Trail and obey all traffic laws and traffic control devices as well as the Rail Trail Etiquette/Rules attached.
- Trail must be cleaned up afterwards to remove any litter.
- Organizer should be aware that the city stage is already reserved that day for another benefit walk being hosted out of Emerson Park. That event does not kick off until 1:00 p.m. so there should not be any issues with overlap.
- Department of Public Services will provide barricades per appropriate traffic control order issued by City Engineering. They will also provide the extra trash receptacles as requested.

- Event volunteers must monitor the intersections and move barricades for cars and passage of emergency vehicles as needed, when walkers are not present.
- Existing electrical outlets will be turned on.
- Tent permit must be obtained from the Fire Department prior to the event. Also, bounce house tethering plan must be submitted to the Fire Marshal two weeks prior for approval. Contact the Fire Marshal at 989-837-3413.
- The Police Department will monitor the event on regular patrol.

Attached for your consideration is a resolution which will grant approval of the request. The resolution also grants authority to the Administrative Staff to approve future requests if conducted in substantially the same manner.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Brian P. McManus  
City Engineer

BPM:pp

Enclosure

**EVENT APPLICATION**

Sponsoring Organization JDRF Contact Person/Position Kandie Guild Event Chair

Please describe your organization Juvenile Diabetes Research Foundation  
Organization working towards a cure for Non-profit organization: YES  
Type 1 diabetes to turn into type NONE.

Phone ( 989 ) 513-3239 E-Mail kandie409@gmail.com

Address 4300 Linden Drive City Midland State MI Zip 48640

Name of Proposed Event Juvenile Diabetes For a world without Type 1 Diabetes walk

Brief Description of Event Family fun day and walk

Requested Date(s) of Use 10-1-17 Requested Time(s) of Use 6am-1pm Is this a repeat event? No

Proposed Event Timeline: Setup to Begin 9-30-17 4pm Duration of Event 5 hours Clean up to End 1:00

Requested Location Farm market Pavilion Will you charge admission? NO No. of Participants Expected 250

What type of event are you hosting?  
 Run/Walk X Park Event      Downtown Event      Block Party/Street Closure      Other     

**Street Closures:** Are you requesting any street closures: YES Time Streets Closed      Time Streets Reopened     

Please describe: The road surrounding the Farm Market pavilion

**Tents:** Will you be utilizing tents and if so, what size are your tents? 20x20

**Concessions:** Who will provide?      Will you apply to serve alcohol? no

**Power:** What are your electrical needs? micro phone, blow up arch at start line at rail trail entrance ,

**Amplified Sound:** Will you be utilizing amplified sound? yes How will sound be amplified? dj\radio station\microphone

**Restrooms:** Will you be providing additional restroom facilities above what is already offered at the requested location?       
     If so, who will provide this service?      Would like to use the restrooms in the park market pavilion if they are still open

**Park Shelters:** If you are holding your event in a park, will you be reserving a park shelter for your event? Farm market pavilion

**Other Requests:** Please note that other elements of your event may require additional approval. Do you have additional requests (i.e. fireworks, etc.) blow up Arch for start line , bounce house blow up

**Equipment Rental:** The City of Midland offers equipment for a fee based on availability. Please contact the Parks and Recreation Office at 989-837-6930 for additional information on rental fees. Are you interested in utilizing any of the following?

<u>X</u> Mobile Stage	<u>    </u> Metal Fencing	<u>    </u> Traffic Control Devices
<u>X</u> Trash Receptacles	<u>    </u> Picnic Tables	(Cones, barricades)
		<u>    </u> Other

**Payment:** Equipment rental fees must be paid in advance of event. The organization representative may receive an invoice for additional City services after completion of the event based on the final utilization of staff and resources at the event.

**Submittal:** Please submit the completed form to Paula Pomaville at [ppomavil@midland-mi.org](mailto:ppomavil@midland-mi.org). A map, sketch of event layout, race route or other map must be included with this application.



OTHER ITEMS TO NOTE

- Some events may require City Council approval. It is recommended that you submit your request at least two months in advance of your event.
- Depending on the event, a certificate of special event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as an Additional Insured may be required.
- No markings of any kind (i.e. paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces.
- The City will review need for cost recovery for City expense if event requires unique or non-standard efforts on the City's part for any necessary set-up or clean-up of the area by the City.
- The use of the parks and city areas is non-exclusive. There is a potential for bystanders to view/attend your event.
- Events are not allowed to be conducted on the Tridge.
- You must contact the Parks office at least one week in advance of the event for location of tents if you choose to use them. Parks and Recreation does not provide tents. There is a \$25 fee for tent location services. The Fire Department requires that all tents 400 sq. feet and larger will require additional permits. Please contact the Fire Department for this information.
- Any decorations must not hinder other users of the surrounding areas and all must be removed after the event. It is understood that you are fully responsible for any and all decorations, and items used at the event site.
- It is recommended that someone should be in attendance at the site at all times or a security service is attained.
- It is also understood your group will be responsible for the cleanup and disposal of refuse, leaving the site in the same or better condition than found.
- No event can be scheduled in the Farmer's Market area on Wednesdays and Saturdays, May-October, from 6:00 a.m. - 3:00 p.m.
- The Tridge area, Chippewassee Park and Emerson Park periodically encounter flooding.
- There are no permanent restroom facilities at Chippewassee Park or the Central Park Band Shell. Your guests will have to use a portable restroom located at the site.

RELEASE AND HOLD HARMLESS

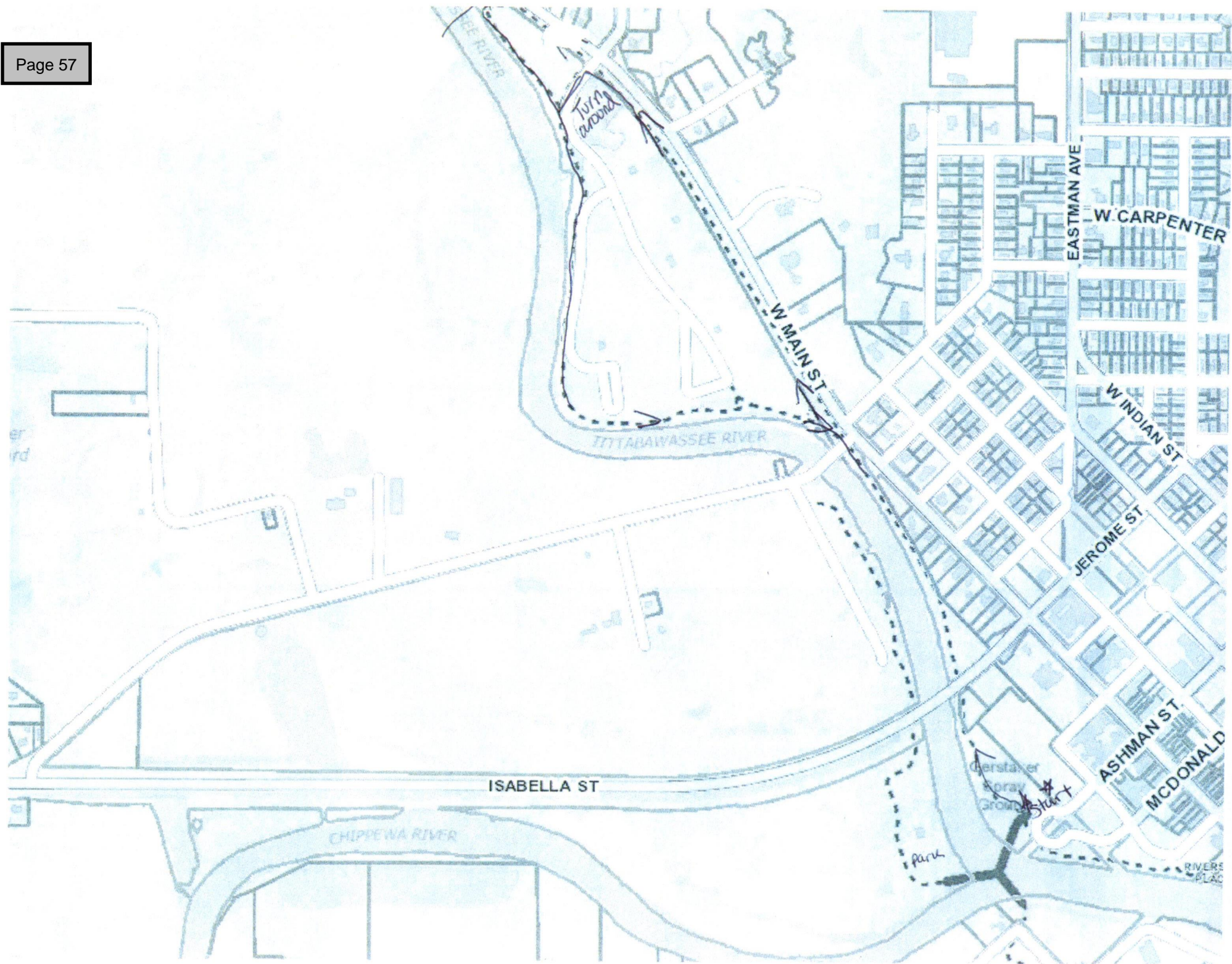
It is agreed by the organization using the facilities that it will be responsible for any damage to property. It is further agreed that the signing party will hold the City of Midland harmless for any damage or injury that the organization, its participants or spectators might incur during its use of the above named facilities.

It is further agreed by the organization that all debris deposited during the use of the above named facility shall be picked up and properly disposed of. Any damage will result in additional fees.

Signature of Applicant: Kandice Guild

Date: 1-20-17







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BY COUNCILMAN

RESOLVED, that the request from Kandie Guild to conduct a Juvenile Diabetes Walk on Sunday, October 1, 2017, utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Kandie Guild, 989-513-3239.
- A Certificate of Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured must be submitted to the City Engineer's Office no less than one week prior to the event. You may fax it to 989-837-5708.
- Use of the Rail Trail is non-exclusive and **no markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces.
- Participants must remain on the Rail Trail and obey all traffic laws and traffic control devices as well as the Rail Trail Etiquette/Rules attached.
- Trail must be cleaned up afterwards to remove any litter.
- Organizer should be aware that the city stage is already reserved that day for another benefit walk being hosted out of Emerson Park. That event does not kick off until 1:00 p.m. so there should not be any issues with overlap.
- Department of Public Services will provide barricades per appropriate traffic control order issued by City Engineering. They will also provide the extra trash receptacles as requested.
- Event volunteers must monitor the intersections and move barricades for cars and passage of emergency vehicles as needed, when walkers are not present.
- Existing electrical outlets will be turned on.
- Tent permit must be obtained from the Fire Department prior to the event. Also, bounce house tethering plan must be submitted to the Fire Marshal two weeks prior for approval. Contact the Fire Marshal at 989-837-3413.
- The Police Department will monitor the event on regular patrol.

; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk

## **Bike/Walk Midland: Rail Trail Etiquette**

At nearly every road crossing along the Pere Marquette Rail-Trail there is a list of proper use: Rail Trail Etiquette. The list is as follows:

- Keep right except to pass
- Alert others when passing by using voice or bell
- Yield to slower traffic
- Always travel at safe speeds
- Don't block the trail
- Dogs must be on a leash
- Please help keep the trail clean

Experience shows that if everyone followed these guidelines there would be few user conflicts and trail use would be enjoyable for all. Unfortunately not everyone does and problems result.

Some examples:

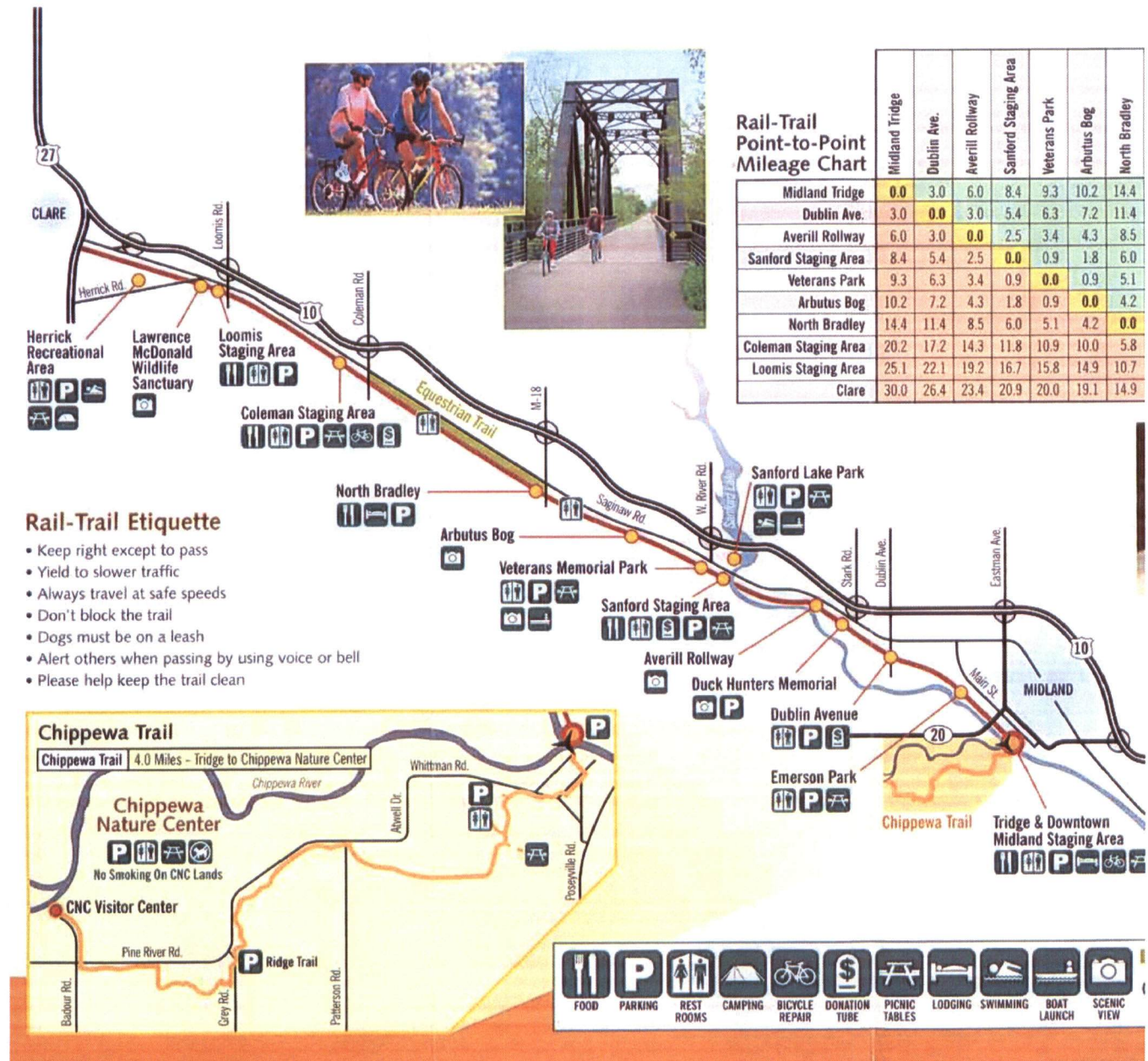
- Bicyclists not moving far left when passing walkers or in-line skaters
- Users not moving right when alerted to a passing bicyclist or seeing someone coming in the other direction
- Trail users not staying as far to the right as possible, sometimes even staying left and going against traffic
- People stopping at intersections and on bridges and blocking the narrowest parts of the trail
- Bicyclists not announcing that they are passing
- Headphone users who cannot hear when a passing bicyclist gives warning
- Dogs not on a leash or walking on the opposite side of the trail from their owner (with the leash "clothes-lined" across the path)
- Dog owners not cleaning up after their pets

The fix for most of these problems is simple common sense and maybe even stopping to read that list on the back of the signs at the road crossings. It's easy to get lost in your thoughts on a quiet stretch of the trail but everyone needs to remember that there are other users coming along all the time. While it may seem idyllic and isolated, in some ways the trail is like any other highway, and all users need to be alert, courteous, and cautious.

When everyone follows the rules, everyone can get along.

For more information: <http://www.midland-mi.org/government/departments/planning/Planning/NMTCommittee.htm>





[BACK to PMRT HOME](#)

**Backup material for agenda item:**

7.       \* Downtown Midland Streetscape Construction Process Communications services. TISDALE

**SUMMARY REPORT TO CITY MANAGER  
for City Council meeting of February 13, 2017**

**SUBJECT:** Purchase Order to Q + M for Downtown Midland Streetscape Construction Process Communications

**INITIATED BY:** Selina Tisdale, Director of Community Affairs

**RESOLUTION SUMMARY:** This resolution authorizes the City of Midland Interim Assistant Controller to issue a purchase order to Q + M of Ann Arbor, Michigan, for \$30,000 for Downtown Midland Streetscape Construction Process Communications. Further, it authorizes the City Manager to approve change orders, if necessary, not to exceed \$10,000, in total.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution



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February 6, 2017  
Jon Lynch, City Manager  
City of Midland  
Midland, MI 48640

Dear Mr. Lynch:

On January 17, 2017, sealed bids were opened for City of Midland Bid Number 3836 Downtown Midland Streetscape Construction Process Communications, to assist city staff with communicating the changes coming to downtown Midland, the construction process as it unfolds and key aspects of the construction project and its status as it affects our downtown businesses and their patrons.

These services will include development of a multi-faceted communications plan that would include:

- Branding the streetscape project (logo, tagline, artwork, graphics);
- Helping communicate to stakeholders the design, excitement for the project, progress of the project;
- Communicating future use concepts and economic, aesthetic, safety and efficiency benefits of completed project;
- Developing a dedicated website and social media outlets for staying informed;
- Developing necessary collateral materials including brochures, flyers, posters, newsletters, e-newsletters;
- Assisting with scripting press releases, social media posts, website material, e-blasts, etc.;
- Developing 2-3 construction related promotions and/or events to celebrate milestones of the project.

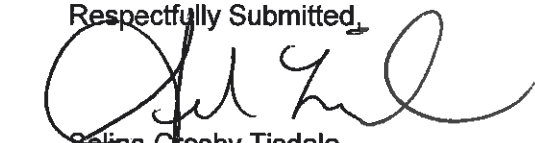
Nine (9) bids were received:

Q+M	New Moon	Barckholtz	Aberro	Vettraino	Coeus	M3	Bolger	Woodshed
Ann Arbor	Visions of Milford	Group Saginaw	Creative Agency Midland	Consulting Rochester	Creative Group Livonia	Group Lansing	& Battle Midland	Agency Farmington
\$30K	\$30K	\$31K	\$32K	\$32K	\$36K	\$43.5K	\$64K	\$99K

In an instance where two low bids are exactly the same, the purchasing policy directs us to look at service delivery and terms of payment. Q+M and New Moon had the same terms of payment (30 days after receipt of invoice). However, Q+M indicated their services delivery was immediate upon being awarded the contract, whereas New Moon needed a two-week lead time to begin its services. Therefore, Q+M was identified as the successful low bid.

Funds for this activity are currently budgeted for in the current DDA Marketing budget and will be budgeted for in the upcoming 2017-18 DDA Marketing budget.

Respectfully Submitted,

  
Selina Crosby Tisdale  
Community Affairs Director

  
Tiffany Jurgess  
Interim Assistant Controller





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**BY COUNCILMAN**

**WHEREAS**, sealed bids for Bid No. 3836 Downtown Midland Streetscape Construction Process Communications services have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

**WHEREAS**, nine proposals were received and considered; and

**WHEREAS**, staff considers the low bid received from Q+M of Ann Arbor, Michigan to be acceptable and recommends award of said bid; and

**WHEREAS**, the purchase will be made from the Downtown Development Authority Marketing budget, 297.6090.81.055 for the remainder of the 2016-17 fiscal year and budgeted for in the same fund for 2017-18; now therefore

**RESOLVED**, that a purchase order is hereby authorized to Q+M of Ann Arbor in the amount of \$30,000 for Downtown Midland Streetscape Construction Process Communications services; and

**RESOLVED FURTHER**, that the City Manager has the authority to approve any change orders modifying or altering this contract in an aggregate amount not to exceed \$10,000.

**YEAS:**

**NAYS:**

**ABSENT:**

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

8.       \* HVAC/R Planned Maintenance Agreement - Riverside Place (4/5 vote required). KAYE

**SUMMARY REPORT TO CITY MANAGER  
For City Council Meeting 2-13-17**

**SUBJECT:** Renewal of J. E. Johnson Peak Performance HVAC/R Planned Maintenance Agreement for Riverside Place.

**PETITIONER:** Riverside Place

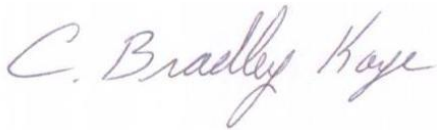
**SUMMARY:** THIS RESOLUTION AUTHORIZES REVISIONS TO AN ONGOING PREVENTATIVE MAINTENANCE AGREEMENT AND APPROVAL OF A PURCHASE ORDER TO J.E. JOHNSON IN THE AMOUNT OF \$28,160.00 FOR 2017 PREVENTATIVE MAINTENANCE SERVICES AT RIVERSIDE PLACE.

**ITEMS ATTACHED:**

1. Letter to City Manager
2. 2017 J. E. Johnson Peak Performance HVAC/R Planned Maintenance Agreement
3. Resolution for City Council Action

**CITY COUNCIL ACTION:**

1. 4/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

2-13-17



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov*

February 13, 2017

Jon Lynch, City Manager  
City Hall – 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

J. E. Johnson has been providing Riverside Place with HVAC/R planned maintenance since 2008. At that time, a 5-year Planned Maintenance service contract was authorized by Midland City Council and entered into between the City and J.E. Johnson. An updated service contract was completed in 2011. In addition to extending the contract through 2016, the revised contract provided for automatic annual renewals beginning in 2017 unless cancelled by either party.

Our experience with J.E. Johnson over the first 8 years of the contract has been outstanding. In addition to routine maintenance work, they have been proactive in recommending preventative maintenance and interventions that both have and will save us considerable maintenance costs long term. Their responsiveness to immediate needs for service has always been timely. In no instance have we been less than satisfied with their work or their staff. Based on this experience, continuing our contractual relationship with J.E. Johnson is desired.

Given the above, in late 2016, Riverside Place asked J. E. Johnson to update the contract's pricing schedule for the next five years to determine if the automatic renewal was also in the best financial interests of Riverside Place. As our mechanical infrastructure has aged, it was determined that contracting for maintenance with full replacement coverage no longer makes financial sense for either the City or J.E. Johnson. A revised scope of services at a set cost was therefore developed between staff and J.E. Johnson. The revised pricing is considered reasonable to both parties and represents an acceptable contract to minimize financial exposure for Riverside Place. The proposed changes are attached and presented for City Council review.

The recommended contract changes would amend the original contract terms and would be completed without rebidding for this service. Given the long and highly satisfactory service history with this company, a new bid process is not considered necessary. Further, considering that the contractual changes are resulting from changing conditions in the mechanical infrastructure at Riverside Place, a new bid process is considered impractical under the city bid policy. City Council approval of the updated contract under these conditions is therefore requested.

It is recommended that City Council accept the 2017 HVAC/R Planned Maintenance Agreement with J.E. Johnson for Riverside Place and approve a purchase order in the amount of \$28,160.00 for the 2017 payment. This agreement automatically renews annually until such a time that either party gives written notice of termination.

A 4/5 vote is required to approve the attached resolution.

J E Johnson Service Agreement RP 2017

Respectfully,

---

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

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Tiffany Jurgess  
Senior Procurement Accountant

# Peak Performance HVAC/R Planned Maintenance Agreement

Designed for:

**Riverside Place**

400 E. Main St.  
Midland, MI 48640

Submitted by:

**Mike Bierek**

**Account Manager**

**1550 E Virginia Drive**

**Midland, MI 48642**

**Phone: 800-646-2690 Ext: 1238**

**Cell: 989-615-0526**

**Fax: 989-835-7147**

**Email: [michaelb@jejohnson.com](mailto:michaelb@jejohnson.com)**

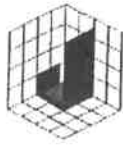
**Web: [www.jejohnson.com](http://www.jejohnson.com)**



Our *dedication* Makes the *difference*  
**Total Mechanical Solutions**

J.E. JOHNSON

Commercial, Industrial & Institutional  
24/7 Service • 989-657-0000  
Midland, MI

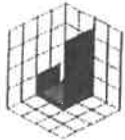


**J.E. JOHNSON**  
Total Mechanical Solutions

### **BENEFITS OF YOUR HVACR PLANNED MAINTENANCE AGREEMENT**

- Provides proper maintenance tasking procedures that will allow your equipment to operate at peak performance.
- Keeps your equipment in peak operating condition, thereby reducing energy consumption.
- Reduces expensive downtime, employee productivity losses, and employee/guest discomfort.
- Extends the useful life of your equipment by 20% or more
- Reduces emergency or trouble calls.
- Reduces administrative costs associated with managing HVACR services.
- Helps you control overall maintenance costs via an optimum blend of predictive, diagnostic and scheduled maintenance tasking services.
- Dispatches the manufacturer's recommended maintenance tasking procedures for your equipment on a predetermined schedule that best meets both your business and your equipment requirements.
- Report needed repairs on any equipment found low on refrigerant. We will use recovery, recycling and reclamation of your refrigerant as appropriate to minimize costs of replacement refrigerant. Such work will be done per all federal, state and local regulatory guidelines.
- Documentation of all scheduled and unscheduled service work showing the time, date, Name of service technician, equipment identification and brief description of work. (This documentation will be presented at time of service.)
- Annual review (or more frequently upon request) to evaluate and make modifications, if necessary, to this Planned Maintenance Agreement to assure that it continues to meet both your business and technical requirements.

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**



**J.E. JOHNSON**  
Total Mechanical Solutions

**Most HVACR equipment has energy wasting problems. Well documented studies show:**

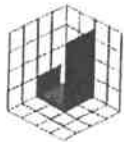
- 1/100 of an inch of dirt on an evaporator coil can increase operating cost 5%
- Dirty blower wheel can reduce air flow over 30%
- 23% refrigerant undercharge can cause 52% efficiency loss
- 10% reduction in air volume (where excessive) can decrease fan energy consumption by 30% and provide a more comfortable space temperature
- Depending on the severity, a savings of more than \$100 per rated ton may be possible where maintenance has been poor or nonexistent.

#### **Estimated Savings Factors**

<b>Condition</b>	<b>% Increase</b>	<b>Cost Per Year</b>
Dirty Condenser Coil	5-35%	\$ 50-\$370
Improper Charge	5-40%	\$ 50-\$420
Dirty Evap. Coil	10-45%	\$100-\$475
Dirty Blower Wheel	10-50%	\$100-\$525
Duct Leaks	10-60%	\$100-\$625

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**





**J.E. JOHNSON**  
Total Mechanical Solutions

### **PLANNED MAINTENANCE AGREEMENT IMPLEMENTATION TEAM**

As your Account Manager I will continue to work closely with you along with the Implementation Team to preserve the integrity of your equipment, reduce your energy and operating costs and to maintain employee, guest and customer comfort. The Implementation Team will be made up of the following service professionals:

- Mike Blerek will be your Account Manager. The primary responsibility of the account manager is to ensure proper coordination of the execution of this Planned Maintenance Agreement, as well as, being your direct contact for technical support. Mike can be reached at the office 800-646-2690 Ext. 1238, cell 989-615-0526, or e-mail [michaelb@jejohnson.com](mailto:michaelb@jejohnson.com)
- Stan Anway is the Service Coordinator. He is responsible for scheduling maintenance services. Stan and the call center team can be reached at (989) 835-6671 or Email at [stana@jejohnson.com](mailto:stana@jejohnson.com), for emergency service or normal service requests
- Mike Fitzgerald is the Service Division Manager. He has complete authority for controlling and directing the field personnel, support personnel and resources to ensure the smooth and efficient delivery of this Planned Maintenance Agreement. You can reach Mike at (989) 835-6671 or Email at [mikef@jejohnson.com](mailto:mikef@jejohnson.com)

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**

### LIST OF MAINTAINED EQUIPMENT

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**

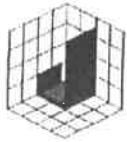


**J.E. JOHNSON**  
Total Mechanical Solutions

**PEAK PERFORMANCE**  
**HVACR PLANNED MAINTENANCE AGREEMENT**

1. This Agreement provides 4 Annual Inspections per year.
2. This Agreement provides 1 compressor replacement over the course of the 5 year contract.
3. This Agreement Provides up to 300 lbs of refrigerant over the course of the 5 year contract.
4. This Agreement provides \$4,000 per year allotment for control work.
5. This Agreement provides a labor rate of \$85.00 per hour for any work above and beyond the scope of this agreement.
6. J. E. Johnson shall maintain the equipment of Riverside Place using industry best practices and manufacturer's recommendations to keep energy and repair cost as low as possible, while preserving equipment reliability and life. Occupant comfort will always be a primary consideration.
7. Upon completion of each inspection, J. E. Johnson will provide Riverside Place with a Comprehensive Inspection Report listing work performed, defects found and corrected, and any recommended corrective action.
8. Riverside Place shall operate the equipment in accordance with the manufacturer's recommendations and promptly notify J.E. Johnson of any abnormal conditions.
9. Our Peak Performance Planned Maintenance Agreement includes all maintenance materials, gaskets, oils, and lubricants required to perform the inspection tasking procedures. Also included is belt replacement if they are found worn or broken.
10. Any additional services that are not part of this Agreement shall be billed at the prevailing time and material rate. Customers with Peak Performance Planned Maintenance Agreements receive priority service should service calls be necessary.
11. Professional Engineering support services are available at favorable rates to identify indoor air quality problems; to solve comfort complaints; to engineer modifications to reduce / add air conditioning and heating or ventilation capacity for your facilities.

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**



**J.E. JOHNSON**  
Total Mechanical Solutions

### HVACR PLANNED MAINTENANCE PRICING AND ACCEPTANCE

This Peak Performance Planned Maintenance Agreement will be for an original term of one year, beginning on customer's acceptance of this Agreement. At the end of the original term of this Agreement, the Agreement will automatically renew each year thereafter unless notified in writing by either party prior to the renewal date. Riverside Place's annual investment in this Agreement is shown below:

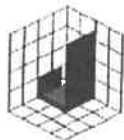
Original Agreement Term	Price
2017	\$28,160.00
2018	\$29,160.00
2019	\$30,190.00
2020	\$31,250.00
2021	\$32,350.00

#### PLEASE CHECK PAYMENT OPTION BOX:

- ☐ PREPAYMENT IN FULL, REFLECTING 5% DISCOUNT
- ☐ QUARTERLY
- ☐ MONTHLY
- ☐ OTHER (specify) \_\_\_\_\_

The annual Agreement prices shown above can only be adjusted if equipment is added or deleted from this original Agreement.

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**



**J.E. JOHNSON**  
Total Mechanical Solutions

Payment terms will be thirty (30) days after J.E. Johnson's date of invoice. J.E. Johnson reserves the right to discontinue its service anytime payments have not been made as agreed. Failure to make payments when due or impairment of customer's credit shall relieve J.E. Johnson of any and all obligations pertaining to work or performance of work.

We would appreciate your signature in the space provided below as your acceptance of all of the terms and conditions of this Agreement.

PROPOSAL OFFERED BY: Mike Bierek

DATE: JANUARY 5, 2017

CUSTOMER ACCEPTANCE

SIGNATURE: [Signature]

PRINT NAME: SON LYNCH

TITLE: CITY MANAGER

DATE: 1.6.17

P.O. #: \_\_\_\_\_

J.E. JOHNSON ACCEPTANCE

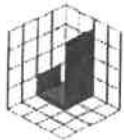
SIGNATURE: [Signature]

PRINT NAME: MICHAEL BIEREK

TITLE: ACCOUNT MANAGER

DATE: 1/10/17

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**

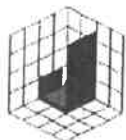


**J.E. JOHNSON**  
Total Mechanical Solutions

## TERMS AND CONDITIONS

1. Planned and/or routine maintenance services provided under this Agreement will be performed during normal working hours unless otherwise specified.
2. The guarantees and services provided under the scope of this Agreement are conditioned upon Riverside Place operating and maintaining systems/equipment. Riverside Place will do so in accordance with industry accepted practices and in consideration of our recommendations. Riverside Place will provide and permit reasonable access to all covered equipment. J.E. Johnson, Inc. will be allowed to start and stop equipment as necessary to perform its services and be permitted use of existing facilities and building services.
3. This proposal assumes that all pieces of equipment are in proper operating condition. J.E. Johnson, Inc. shall inspect and report to Riverside Place any malfunctions and defects within thirty (30) days after commencement of the Agreement. If the equipment cannot be operated within the thirty (30) day period due to seasonal conditions or other factors beyond our control the period for initial inspection will be extended for a mutually agreed upon period. Upon completion of the inspection, it shall be the responsibility of J.E. Johnson, Inc. to make recommendations and to assist Riverside Place in restoring the equipment to its proper operating condition. However, all of the restoration costs shall be borne by Riverside Place unless otherwise stated in this proposal. Any piece of covered equipment will be excluded from liability if the reported recommendations from the inspection are not accepted and repair work performed.
4. It is agreed that the repair, replacement, and emergency service provisions apply only to the functional internal components and parts of equipment listed in this Agreement. Repair and replacement of non-maintainable portions, such as duct work, furnace heat exchangers, shell and tube heat exchangers, all diffusers, cabinetry, inter-connecting piping, main power service, electrical distribution system, valve bodies, coils, pipe insulation, glycol, storage tanks, piping systems, thermostats, structural supports, etc. are excluded. In the case of refrigeration systems such as walk-in boxes, reach-in boxes, etc., this Agreement does not include the repair or replacement of hardware such as door gaskets, door handles, cabinet gaskets, closing mechanisms or related parts thereof; in no case shall J.E. Johnson, Inc. include repair or replacement of doors and/or cabinets.
5. Any repairs or services resulting from power failures, freezing, roof leaks through curbs or equipment, or air side corrosion will be paid for by Riverside Place in accordance with J.E. Johnson, Inc.'s currently established rates.
6. In the unlikely event of failure to perform its obligations, J.E. Johnson, Inc.'s liability is limited to repair or replacement at its option, and such shall be Riverside Place's sole remedy. Under no circumstances will J.E. Johnson, Inc. be responsible for loss of use, loss of profits, increased operating or maintenance expense, claims of Riverside Place's employees, guests or customers, or any special, indirect or consequential damages.
7. The Agreement does not include responsibility for system design deficiencies, such as, but not limited to poor air distribution, water flow imbalances, etc. It does not include responsibility for system, equipment and component obsolescence, electrical failures, unserviceable equipment, and operating the system(s).
8. J.E. Johnson, Inc. will not be liable for delays or failure due to fire, flood, strike, lockout, freezing, unavailability of material, riots, acts of god, or any cause beyond reasonable control.
9. J.E. Johnson, Inc. is not responsible for the removal or disposal of any hazardous materials or any cost associated with these materials unless otherwise noted in this Agreement.

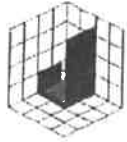
**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**



**J.E. JOHNSON**  
Total Mechanical Solutions

10. The Agreement does not include repairing any damage resulting from improper/inadequate water treatment or filter service not supplied by J.E. Johnson, Inc.
11. This Agreement does not include any services occasioned by improper operation, negligence, vandalism, alterations, modifications, abuse, misuse, or repairs to equipment not performed by J.E. Johnson, Inc. Also excluded is the furnishing of materials and supplies for painting or refurbishing equipment.
12. J.E. Johnson, Inc. shall not be required to furnish any items of equipment, labor, or make special tests recommended or required by insurance companies, Federal, State, Municipalities or other authorities except as otherwise included in this Agreement.
13. This Agreement does not include the cleaning of any air passages, grilles, or air balancing of systems.
14. In the event either party must commence a legal action in order to enforce any rights under this Agreement, the successful party shall be entitled to all court costs and reasonable attorney's fees as determined by the court for prosecuting and defending the claim, as the case may be.
15. J.E. Johnson, Inc. shall not be liable for the operation of the equipment nor for injuries to persons or damage to property, except those directly due to the negligent acts or omissions of its employees and in no event shall it be liable for consequential or speculative damages. It shall not be liable for expense incurred in removing, replacing or refinishing any part of the building structure necessary to the execution of this Agreement. It shall not be held liable for any loss by reason of strikes, labor troubles affecting its employees who perform the service called for herein, delays in transportation, delays caused by priority, preference rating, orders, regulations established by any government authority, by unusual delays in procuring supplies or for any other cause beyond its reasonable control.
16. Only J.E. Johnson, Inc.'s personnel or agents are authorized to perform the work included in the scope of this Agreement. J.E. Johnson, Inc. may, at its option, cancel or waive its obligations under this Agreement should any non-authorized individuals perform such work.
17. This Agreement and all rights hereunder shall not be assignable unless approved by J.E. Johnson, Inc.
  - a. In the event of additional freight, labor, or material costs resulting from Riverside Place's request to avoid delays with respect to equipment warranties, or accelerated delivery of parts and supplies, Riverside Place agrees to pay these additional costs at J.E. Johnson, Inc.'s currently established rates.
  - b. J.E. Johnson, Inc.'s scope of work shall not include the identification, detection, abatement, encapsulation or removal of asbestos or products or materials containing asbestos or similar hazardous substances. In the event J.E. Johnson, Inc. encounters such material in performing its work, J.E. Johnson, Inc. will have the right to discontinue work and remove its employees until the hazard is corrected or it is determined no hazard exists.
18. This Agreement contains the entire Agreement and the parties hereby agree that this Agreement has been agreed to and the entire Agreement is then accepted and approved by an authorized person for both parties, and no statement, remark, agreement, or understanding, oral or written, not contained herein, will be recognized or enforced.
19. Riverside Place agrees that in the event that there has been a federal and/or state law passed which shall compel J.E. Johnson, Inc. to contribute to a federal and/or state health plan for its employees, then the terms of this Agreement shall be subject to adjustment to the extent that the cost of such mandated contributions increase J.E. Johnson, Inc.'s cost of performing this Agreement.

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**

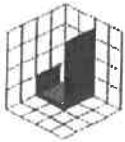


**J.E. JOHNSON**  
Total Mechanical Solutions

20. Riverside Place acknowledges and agrees that any purchase order issued by Riverside Place, in accordance with this Agreement, is intended only to establish payment authority for Riverside Place's internal accounting purposes. No purchase order shall be considered to be a counteroffer, amendment, modification, or other revision to the terms of this Agreement. No term or condition included in Riverside Place's purchase order will have any force or effect.
21. If collection or suit or otherwise is required, purchaser agrees to pay all costs of collection including reasonable attorney's fees and all costs.

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**





**J.E. JOHNSON**  
Total Mechanical Solutions

## Customer Data Form

☐ New Account

☐ Account Update

**Billing Address** Please Type or Print Clearly

Name: \_\_\_\_\_ Tel. #: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Shipping Address**

Contact Name: \_\_\_\_\_ Contact Email: \_\_\_\_\_ Tel. #: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Check One: ☐ Corporation ☐ Proprietorship ☐ Partnership Years in Business: \_\_\_\_\_

*Indicate The Following if Applicable*

Division of: \_\_\_\_\_ Name: \_\_\_\_\_ Address: \_\_\_\_\_

**Name of Owner(s):** \_\_\_\_\_ **Name of Officer(s):** \_\_\_\_\_

1 \_\_\_\_\_ 1 \_\_\_\_\_

2 \_\_\_\_\_ 2 \_\_\_\_\_

Financial Statement: ☐ Attached ☐ Refused ☐ To be Mailed

**Bank References:**

1. Name \_\_\_\_\_ Acct. No. \_\_\_\_\_ Tel. No. \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. Name \_\_\_\_\_ Acct. No. \_\_\_\_\_ Tel. No. \_\_\_\_\_

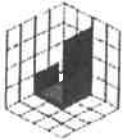
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**Trade References** (Currently Purchasing From)

Name \_\_\_\_\_ Acct. No. \_\_\_\_\_ Tel. No. \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**



**J.E. JOHNSON**  
Total Mechanical Solutions

Name \_\_\_\_\_ Acct. No. \_\_\_\_\_ Tel. No. \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Name \_\_\_\_\_ Acct. No. \_\_\_\_\_ Tel. No. \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

*If collection or suit or otherwise is required, purchaser agrees to pay all costs of collection including reasonable attorney's fees and all costs.*

**24/7 SERVICE, CALL (800) 646-2690 (SELECT 'SERVICE')**



## Preventative Maintenance Summary

Contract Number: 182

Sales Representative: Mike Blerek

Customer: Riverside Place Apts.

Location: Midland

PM Start Date: 2/1/17

PM End Date: 1/31/18

**Number of PM's per Year** 4 \*select month(s) and estimate time to complete below

<input type="checkbox"/> Jan	Est. Hours	<input checked="" type="checkbox"/> May	Est. Hours	<input type="checkbox"/> Sep	Est. Hours
<input checked="" type="checkbox"/> Feb	Est. Hours	<input type="checkbox"/> Jun	Est. Hours	<input type="checkbox"/> Oct	Est. Hours
<input type="checkbox"/> Mar	Est. Hours	<input type="checkbox"/> Jul	Est. Hours	<input checked="" type="checkbox"/> Nov	Est. Hours
<input type="checkbox"/> Apr	Est. Hours	<input checked="" type="checkbox"/> Aug	Est. Hours	<input type="checkbox"/> Dec	Est. Hours

**Number of filter changes per year** 4 \*select month(s) below

<input type="checkbox"/> Jan	<input checked="" type="checkbox"/> May	<input type="checkbox"/> Sep
<input checked="" type="checkbox"/> Feb	<input type="checkbox"/> Jun	<input type="checkbox"/> Oct
<input type="checkbox"/> Mar	<input type="checkbox"/> Jul	<input checked="" type="checkbox"/> Nov
<input type="checkbox"/> Apr	<input checked="" type="checkbox"/> Aug	<input type="checkbox"/> Dec

 Provided by: ☐ Customer ☒ JEJ (Filter's on equipment list)

**Number of belt changes per year** 1 \*select month(s) below

<input type="checkbox"/> Jan	<input type="checkbox"/> May	<input type="checkbox"/> Sep
<input type="checkbox"/> Feb	<input type="checkbox"/> Jun	<input type="checkbox"/> Oct
<input type="checkbox"/> Mar	<input type="checkbox"/> Jul	<input type="checkbox"/> Nov
<input type="checkbox"/> Apr	<input type="checkbox"/> Aug	<input type="checkbox"/> Dec

 Provided by: ☐ Customer ☒ JEJ (Belt sizes can be determined from equipment list)

**Number of coil cleanings per year** 1 \*select month(s) below

<input type="checkbox"/> Jan	<input checked="" type="checkbox"/> May	<input type="checkbox"/> Sep
<input type="checkbox"/> Feb	<input type="checkbox"/> Jun	<input type="checkbox"/> Oct
<input type="checkbox"/> Mar	<input type="checkbox"/> Jul	<input type="checkbox"/> Nov
<input type="checkbox"/> Apr	<input type="checkbox"/> Aug	<input type="checkbox"/> Dec

**CSD-1** ☒ Yes ☐ No \*select month(s) below

<input type="checkbox"/> Jan	<input type="checkbox"/> May	<input type="checkbox"/> Sep
<input type="checkbox"/> Feb	<input type="checkbox"/> Jun	<input type="checkbox"/> Oct
<input type="checkbox"/> Mar	<input type="checkbox"/> Jul	<input checked="" type="checkbox"/> Nov
<input type="checkbox"/> Apr	<input type="checkbox"/> Aug	<input type="checkbox"/> Dec

**Backflow** ☒ Yes ☐ No if yes, ☐ Building ☐ Irrigation \*select month(s) below

<input type="checkbox"/> Jan	<input type="checkbox"/> May	<input type="checkbox"/> Sep
<input type="checkbox"/> Feb	<input type="checkbox"/> Jun	<input type="checkbox"/> Oct
<input type="checkbox"/> Mar	<input type="checkbox"/> Jul	<input type="checkbox"/> Nov
<input type="checkbox"/> Apr	<input checked="" type="checkbox"/> Aug	<input type="checkbox"/> Dec

Comments:

Pricing	Year	Amount	Terms
	2017	\$ 28,160.00	<input checked="" type="checkbox"/> Prepayment
	2018	\$ 29,160.00	<input type="checkbox"/> Quarterly
	2019	\$ 30,190.00	<input type="checkbox"/> Monthly
	2020	\$ 31,250.00	<input type="checkbox"/> Other

Scope of Work / Comments:

Account Manager \_\_\_\_\_ Date \_\_\_\_\_ Service Manager \_\_\_\_\_ Date \_\_\_\_\_



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.midland-mi.org*

BY COUNCILMAN

WHEREAS, J.E. Johnson has been providing Riverside Place with a HVAC/R Planned Maintenance Agreement since 2008; and

WHEREAS, the services provided by J.E. Johnson to Riverside Place since 2008 have been exemplary and the continuation of those services has been determined to be in the best interest of Riverside Place; and

WHEREAS, Riverside Place wishes to identify and secure preventative maintenance costs for a further 5-year period and beyond; and

WHEREAS, Riverside Place and J.E. Johnson have developed a contractual and financial arrangement that has been determined to be in the best interests of both parties to the agreement; and

WHEREAS, it has been determined that the competitive bid process is impractical due to the nature of the changes proposed; and

WHEREAS, sufficient funds are included in account 537.8110.93.012, Riverside Place 2016/17 budget; now therefore

RESOLVED, that the 2017 J. E. Johnson HVAC/R Planned Maintenance Agreement is hereby approved allowing for automatic renewals each year unless either party gives notice in writing; and

RESOLVED FURTHER, that a purchase order in the amount of \$28,160.00 to J.E. Johnson is hereby authorized in accord with this resolution.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

9.      \* Golf Cart Lease for Currie Municipal Golf Course (4/5 vote required).  
KEENAN

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of February 13, 2017

**SUBJECT:** Golf Cart Lease for Currie Golf Course

**INITIATED BY:** David A. Keenan, Assistant City Manager

**RESOLUTION SUMMARY:**

This resolution waives competitive sealed bids, in accord with Section 2-18 of the Code of Ordinances, and approves the five-year lease proposal submitted by Spartan Distributors for new E-Z Go golf carts at Currie Municipal Golf Course, and authorizes the City Manager to sign the lease agreement subject to the document review and approval by the City Attorney.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

4/5 affirmative vote required for adoption

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David A. Keenan  
Assistant City Manager



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)*

TO: Jon Lynch, City Manager

FM: David A. Keenan, Assistant City Manager

DT: February 8, 2017

RE: Golf Cart Lease for Currie Golf Course

The Currie Municipal Golf Course is in the 4<sup>th</sup> year of a five-year operating lease for 72 golf carts, two beverage carts, and one range cart, all manufactured by E-Z Go. Spartan Distributors, the distributor of these carts has approached the City with time remaining on the current lease and has presented an offer that would forgo the 5<sup>th</sup> year of the current lease and replace it with another five-year lease that would replace the existing fleet with new carts, at a reduced rate. We were able to obtain a 42% corporate discount through Billy Casper Golf. Annual payments will be \$52,676.88 under the new lease compared to \$58,910.58 under the existing lease, or a 10.6% reduction.

There are basically three leaders in the golf cart industry. Yamaha makes a product that is similar to E-Z Go in cost, but inferior in quality and reliability. The track record for maintenance requirements on Yamaha carts is much less favorable. Club Car also makes a product that is similar to slightly better than E-Z Go in quality, but is more costly. Currie has had very good success with the E-Z Go product line. The manufacturer provides a 4-year warranty, so replacing the carts with new ones before the 5<sup>th</sup> year of the agreement will help maintain reliability and reduce maintenance costs.

In summary, in order to competitively bid the lease or purchase of these carts of choice, the City would need to forgo the benefits mentioned above, and continue to use the fleet for a 5<sup>th</sup> year outside of warranty which could lead to higher maintenance costs. Further, at the conclusion of the lease, the fleet would be less valuable to E-Z Go in terms of incentives for lease replacement. For these reasons it is determined that sealed bids are impractical and it is recommended that they be waived and the proposal from E-Z Go be accepted.

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David A. Keenan  
Assistant City Manager

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Tiffany J. Jurgess  
Interim Assistant City Controller



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BY COUNCILMAN

RESOLVED, that in accord with Section 2-18 of the Code of Ordinances, it has been determined that sealed proposals are impractical and the five-year lease proposal submitted by Spartan Distributors for new E-Z Go carts at Currie Municipal Golf Course is hereby approved and the City Manager is authorized to sign the lease agreement subject to the review and approval of the lease document by the City Attorney.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk



**Backup material for agenda item:**

10. \* 2017 Surface Treatment & Crack Sealing Program; Contract No. 4.  
MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**  
for Council Meeting of February 13, 2017

**SUBJECT:** 2017 Surface Treatment & Crack Sealing Program; Contract No. 4

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes the City Manager to approve a change order to the “2016 Surface Treatment & Crack Sealing Program; Contract No. 4” to Highway Maintenance, Inc. of Romulus, Michigan in order to complete the “2017 Surface Treatment & Crack Sealing Program”.

**ITEMS ATTACHED:** 1. Cover Letter  
2. Resolution

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian P. McManus, City Engineer



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

February 7, 2017

Jon Lynch, City Manager  
City of Midland, Michigan

Dear Mr. Lynch:

The Engineering Department has a surface treatment program scheduled in the current budget for the upcoming construction season using \$150,000 budgeted for Major Streets and \$265,000 budgeted for Local Streets. The Department of Public Services has also budgeted \$25,000 for surface treatment of the cemetery streets in the current budget. As the work type is the same, the Departments have agreed to combine the contract work on the cemetery streets into the major and local surface treatment contract in order to reduce duplication of effort. Highway Maintenance, Inc. completed the “2016 Surface Treatment & Crack Sealing Program; Contract No. 4” for the City of Midland and they have agreed to honor their 2016 unit prices for another year.

The 2016 Surface Treatment & Crack Sealing Program awarded to Highway Maintenance, Inc. in the amount of \$665,000, was a larger program than proposed for the upcoming construction season. The extended prices for this upcoming smaller program keeps the larger volume pricing from the previous year. We believe that by using last year’s low bid and by not having to prepare new contract documents for this specialized work will result in cost savings to the City of Midland.

The attached resolution authorizes the City Manager to approve a change order to the “2016 Surface Treatment & Crack Sealing Program; Contract No. 4” for completion of the 2017 surface treatment and crack sealing program and to issue two purchase orders in the aggregate amount of \$440,000.00 based upon current funding levels, to Highway Maintenance, Inc. of Romulus, Michigan. One purchase order will be for work on, and funded through, local and major streets. A separate purchase order is for the same work type, and will be completed on the cemetery streets and funded through the general fund.

Respectfully submitted,

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Brian P. McManus, City Engineer

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Tiffany Jurgess, Interim Assistant Controller



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

WHEREAS, City Council awarded a construction contract for the “2016 Surface Treatment & Crack Sealing Program; Contract No. 4” to Highway Maintenance, Inc. on January 25, 2016 for surface treatment applications on various major streets and local streets; and

WHEREAS, Highway Maintenance, Inc. has agreed to complete work for the “2017 Surface Treatment & Crack Sealing Program; Contract No. 4” for the unit prices that were bid in 2016; and

WHEREAS, funding for this work is provided by the Major Street Fund and the Local Street Fund, and the General Fund for cemetery streets; now therefore

RESOLVED, that the City Manager is authorized to approve a change order to the “2016 Surface Treatment & Crack Sealing Program; Contract No. 4” to Highway Maintenance, Inc. of Romulus, Michigan for the “2017 Surface Treatment & Crack Sealing Program; Contract No. 4” in an aggregate amount of \$440,000.00; and

RESOLVED FURTHER, that the City Manager is authorized to issue a purchase order to Highway Maintenance, Inc. of Romulus, Michigan in the amount of \$415,000.00 for the major and local street portion of work; and

RESOLVED FURTHER, that the City Manager is authorized to issue a purchase order to Highway Maintenance, Inc. of Romulus, Michigan in the amount of \$25,000.00 for the general fund portion of work.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

11. \* Purchase Order Increase to CTI and Associates, Inc. for General Engineering services - Landfill. SOVA

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of February 13, 2017

**SUBJECT:** LANDFILL – PURCHASE ORDER INCREASE FOR GENERAL  
ENGINEERING

**INITIATED BY:** Joseph Sova, Utilities Director

**RESOLUTION SUMMARY:** This resolution authorizes an increase of \$60,000.00 to the existing purchase order amount of \$20,000.00 to CTI and Associates, Inc. of Wixom, bringing the total purchase order to \$80,000.00, in accord with Sec. 2-19 of the Code of Ordinances for the City of Midland, to continue providing general engineering services at the Landfill, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$10,000.00.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • [CitizenCommentsWater@midland-mi.org](mailto:CitizenCommentsWater@midland-mi.org)

February 8, 2017

Jon Lynch, City Manager  
Midland, Michigan

Re: LANDFILL – PURCHASE ORDER INCREASE FOR GENERAL ENGINEERING

Dear Mr. Lynch:

The City of Midland Landfill is highly regulated by the Michigan Department of Environmental Quality (MDEQ), and as a minimum, enforces EPA (Environmental Protection Agency) regulations in Michigan. Within the MDEQ, there are a number of Divisions to which the City is accountable, including:

**Air Quality Division**

- Dust
- Odor
- Oil burner emissions
- Backup generator emissions
- GTE emissions
- Flare emissions
- Pipeline/surface scan for gas leaks
- Gas collection and control system compliance
- Propane heaters in shop

**Water Resources Division**

- Groundwater monitoring
- Industrial storm water permit
- Surface water sampling
- Erosion/sedimentation control

**Office of Waste Management and Radiological Protection Division**

- Solid waste
- Litter control
- Special waste acceptance
- Asbestos handling and recordkeeping
- Bioreactor permit
- Compost/yard waste recycling operation

The City's Landfill engineering consultant, CTI and Associates, Inc. (CTI), routinely assists Landfill staff with engineering support needed to comply and report to the MDEQ and its Division representatives.

Each year we budget over \$150,000.00 for environmental compliance, testing, and reporting. General engineering support includes:

- Review of special waste profiles;
- Regulatory support associated with the MDEQ;
- Compliance reporting;
- Materials testing;
- Site survey support and airspace calculations;
- Weekly compliance review of gas well field data;
- Quarterly surface scans testing for gas leaks in the Landfill soil cover and the gas pipeline to the Gas to Energy facility, for compliance and reporting;
- Support for the Gas to Energy facility and Landfill Gas Compressor facilities;
- Recordkeeping and updates to required operating plans;
- Bioreactor recordkeeping and analysis;
- Ongoing maintenance of as-built construction drawings for gas collection system modifications at the Landfill, mapping pipe additions as waste fills an area; and
- Greenhouse gas emission testing and reporting to the EPA and MDEQ.

As is the practice the first part of each year, we administratively approve a purchase order in the amount of \$20,000.00 for uninterrupted engineering support. As we get deeper into the fiscal year, we gain more insight into what our real needs for general engineering are going to be. At that point, we seek Council approval for an increase to that purchase order in an amount that we expect is needed for the remainder of the year. As the extent of the support is difficult to anticipate, we include in our increase request an amount that will authorize the City Manager to make any additional changes within limits.

Staff and CTI have determined that a purchase order increase of \$60,000.00 will fund the Landfill's regulatory and operational obligations for the balance of the 2016/17 fiscal year, bringing the total purchase order amount to \$80,000.00.

Funding is available for this purpose in the 2016/17 Landfill accounts 517.8110.80.002 – Professional Services and 517.8110.81.004 – Testing. The attached resolution has been prepared for the increase to the purchase order with CTI, in accord with Sec. 2-19 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$10,000.00. A 3/5 vote is required for approval.

Respectfully submitted,

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Joseph Sova, Utilities Director

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Tiffany Jurgess, Interim Assistant Controller





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## BY COUNCILMAN

WHEREAS, each year funds are budgeted for general engineering support to provide assistance to landfill staff; and

WHEREAS, an administratively approved purchase order in the amount of \$20,000.00 was made early in the fiscal year to CTI and Associates, Inc. of Wixom (CTI) to begin the general engineering services work; and

WHEREAS, staff and CTI have determined that a purchase order increase of \$60,000.00 will fund the Landfill's expected regulatory and operational obligations for the balance of the 2016/17 fiscal year; and

WHEREAS, funding is available for this purpose in the 2016/17 Landfill accounts 517.8110.80.002 – Professional Services and 517.8110.81.004 – Testing; now therefore

RESOLVED, that an increase of \$60,000.00 to the existing purchase order of \$20,000.00 to CTI and Associates, Inc., is hereby authorized, bringing the total purchase order to \$80,000.00 for continued general engineering services at the Landfill; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an aggregate amount not to exceed \$10,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

12. \* Purchase Order Increase to Stericycle Environmental Solutions for Household Hazardous Waste Collection services - Landfill. SOVA

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of February 13, 2017

**SUBJECT:** LANDFILL – PURCHASE ORDER INCREASE FOR HOUSEHOLD  
HAZARDOUS WASTE COLLECTION SERVICES

**INITIATED BY:** Joseph Sova, Utilities Director

**RESOLUTION SUMMARY:** This resolution authorizes an increase of \$1,000.00 to an existing combined purchase order amount of \$20,000.00 to Stericycle Environmental Solutions of Chicago, IL, bringing the total combined purchase order to \$21,000.00, for the collection, transport, and environmentally compliant and responsible disposal of household hazardous waste from Midland County residents, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.

February 8, 2017

Jon Lynch, City Manager  
Midland, Michigan

Re: LANDFILL – PURCHASE ORDER INCREASE FOR HOUSEHOLD HAZARDOUS  
WASTE COLLECTION SERVICES

Dear Mr. Lynch:

Midland County has a Solid Waste Management Plan (Plan) mandated by the State of Michigan under Public Act 451, Part 115 rules. The Plan includes guidelines for solid waste disposal and recycling initiatives to protect the environment and human health. One provision is offering safe disposal services for household hazardous waste (HHW), at no charge to the resident. The program helps keep harmful materials out of the landfill cell where it could damage the liner system, react with other waste, or enter the wastewater treatment system.

The City of Midland Landfill and County Health Department have worked together to provide these services through certified HHW collection and disposal companies. For the past four years, Stericycle Environmental Solutions of Chicago, IL (formerly PSC LLC) provided these services. As the popularity of the program has grown, so has the cost to fund disposal of the waste collected at these events.

Currently the Landfill fund covers the cost of three of the four annual events. The combined cost of three events this fiscal year is just over the administrative purchasing limit of \$20,000.00. The attached resolution will authorize a purchase order increase in the amount of \$1,000.00 for the collection, transport, and environmentally compliant and responsible disposal of household hazardous waste from Midland County residents, bringing the total authorized amount to \$21,000.00. Funding has been made available for this purpose in the fiscal year 2016/17 Landfill Enterprise Fund account #517.8110.81.093 – Environmental Services. A 3/5 vote is required to approve the resolution.

Respectfully submitted,

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Joseph Sova, Utilities Director

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Tiffany Jurgess, Interim Assistant Controller

BY COUNCILMAN

WHEREAS, Midland County has a Solid Waste Management Plan, mandated by the State of Michigan under Public Act 451, Part 115 rules, which requires household hazardous waste (HHW) collections to protect the environment and human health; and

WHEREAS, the City of Midland Landfill and County Health Department have worked together to provide these services through certified HHW collection and disposal companies; and

WHEREAS, the Landfill fund covers the cost of three of the four annual events, and the combined cost of three events is just over the administrative approval level of \$20,000.00; and

WHEREAS, an increase of \$1,000.00 to the existing purchase order is necessary to cover the expenses for the most recent HHW collection; and

WHEREAS, funding has been made available for this purpose in the fiscal year 2016/17 Landfill Enterprise Fund account #517.8110.81.093 – Environmental Services; now therefore

RESOLVED, that an increase of \$1,000.00 to an existing purchase order to Stericycle Environmental Solutions of Chicago, IL, is hereby authorized, bringing the total purchase order authorization to \$21,000.00 for HHW collection services.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 13, 2017.

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Selina Tisdale, City Clerk